

Town of Amherst  
**Village Center  
Form-Based Zoning**

- **Form-Based Design Regulations**
- **Atkins Corners Rezoning**
- **North Amherst Village Center Rezoning**

**Articles 24 & 25  
2012 Annual Town Meeting**

**Amherst Planning Board**



## **TOWN OF AMHERST**

### **ARTICLE 24 & 25, VILLAGE CENTER FORM-BASED REZONING**

#### **CONTENTS**

**Page 1. ATTACHMENT A.** Amends the Zoning Bylaw by adding a new Article 16.0 – Form Based Zoning, establishing new form-based zoning districts and accompanying form-based design standards and regulations, as well as coordinating new regulations with corresponding existing sections of the Zoning Bylaw:

#### **ARTICLE 16.0 FORM-BASED ZONING**

Page 1	<b>16.0</b>	<b><i>Form-Based Districts (FBD)</i></b> – Establishes and describes the public purposes of new form-based districts.
Page 3	<b>16.1</b>	<b><i>Base Zoning Districts and Overlay Districts</i></b> – Lists the new districts within which form-based regulations will apply.
Page 4	<b>16.2</b>	<b><i>Street Types</i></b> – Establishes street design types and accompanying design regulations.
Page 13	<b>16.3</b>	<b><i>Building Types and Site Dimensional Standards</i></b> – Establishes building and site design types and accompanying design regulations.
Page 24	<b>16.4</b>	<b><i>Development Standards for Sites and Buildings</i></b> – Establishes specific form-based design and development standards for buildings and sites, including for specific village center districts.
Page 30	<b>16.5</b>	<b><i>Public and Private Open Space Types</i></b> – Establishes open space design types and accompanying design regulations.
Page 36	<b>16.6</b>	<b><i>Non-Conforming Lots, Uses and Structures</i></b> – Establishes design regulations governing changes to existing non-conforming uses and structures.
Page 39	<b>16.7</b>	<b><i>Off-Street Parking and Access Standards</i></b> – Establishes distinct requirements for parking in new form-based districts.
Page 43	<b>16.8</b>	<b><i>Landscaping, Screening and Lighting Standards</i></b> – Establishes specific design requirements for these aspects of site design, and establishes new requirements for sustainable design and development standards in form-based districts.
Page 48	<b>16.9</b>	<b><i>Administration</i></b> – Describes how form-based regulations are administered and establishes procedure for alternative compliance.

**Page 52. ATTACHMENT B.** Amends Section 2.04 – Special Districts, by adding two new form-based underlying districts (AC and NAVC) and two new overlay districts (R-VF and ED-F) and establishing the purposes of those new districts:

- Atkins Corners (AC) District
- North Amherst Village Center (NAVC) District
- Village Form Residence Overlay District (R-VF), and
- Educational Form Overlay District (ED-F).

**Page 56. ATTACHMENT C1.A.** Amends Section 3.21 – Educational District (ED) to reference the regulations of the new Educational Form (ED-F) overlay district boundary.

**Page 57. ATTACHMENT C1.B.** Amends Section 3.01 – Prohibited Uses – All Districts to add a reference to the new Article 16, Form-Based Zoning.

**Page 58. ATTACHMENT C2.** Amends Section 3.3 – Use and Classifications Standards (Use Chart) by:

- Adding permit requirements for all existing land uses in the new AC and NAVC Districts
- Amending Standards and Conditions for existing land uses in the AC and NAVC Districts
- Adding a new Live-Work Use category.

**Page 73. ATTACHMENT D.** Amends Article 5 – Accessory Uses by adding references to the AC and NAVC districts and selected amendments in those sections applying to:

- Home occupations (5.013)
- Seasonal outdoor dining (5.041)
- Live or pre-recorded entertainment (5.042)
- Drive-through facilities (5.0430)
- Recreation ways/trails (5.061)
- Accessory limited manufacturing (5.071)
- Licensed day care facilities (5.081)
- Farm conference centers (5.090)
- Farm stand restaurant (5.091).

**Page 83. ATTACHMENT E.** Amends Section 6.1, Table 3 – Dimensional Regulations by adding new dimensional standards for the AC and NAVC Districts, amending footnote n. regarding maximum height, and adding a new footnote p. (with chart) establishing, for building and site types in all form-based districts, new requirements for: 1) minimum frontage, 2) minimum occupation of frontage by building façade, and 3) minimum open space by lot.

**Page 85. ATTACHMENT F.** Amends Article 7 – Parking Regulations, by adding a reference to new Section 16.7 in existing Section 7.90 regarding waivers and modifications.

**Page 86. ATTACHMENT G.** Amends Article 8 – Sign Regulations, by amendments and adding references to new form-based districts or overlay districts in the following existing sections on sign regulation:

- Numbers of Signs and Dimensions (8.101)
- Business and Industrial/Research Park Districts (8.2)
- Additional signs (8.24)
- Signs in National Historic Register Districts (8.25).

**Page 91. ATTACHMENT H.** Amends Article 12 – Definitions, to adding forty-six (46) new definitions:

- Identifying aspects or types of buildings and landscapes specific to form-based design regulations, and
- Amending existing definitions to include reference to the new Article 16, Form-Based Zoning.

**Page 100. ATTACHMENT I.** Amend Official Zoning Map (Section 2.1) by adding the new form-based districts and overlay districts, and by amending existing and new zoning district boundaries, as shown in Attachment I. – Figures 1A and 1B.

## ARTICLE 16 FORM-BASED ZONING

### SECTION 16.0 FORM-BASED DISTRICTS (FBD)

#### 16.00 Purpose

The purpose of Form-Based Districts (FBD) is to carry out the Goals & Policies of the Town of Amherst Master Plan, as amended, including the provisions of Section 2 Goals & Policies, C. Key Directions for the Community which included the goal of maintaining Amherst's community character and encouraging vitality in the village centers as a focus for the community's economic life, cultural vigor, and social activity. Form-based regulations are called for in the Amherst Master Plan to promote sustainable mixed-use development in Amherst's village centers and other appropriate districts, in order that future development will be compatible with the historic, architectural, and landscape character of those areas. Rather than focusing on the separation of land uses, form-based regulations are intended to guide the creation of healthy mixed-use districts where building form, public space, and streetscape design are integrated and based on the specific context of a given district.

Form-Based Districts (FBD) regulations are intended to:

- 16.000 Facilitate the development of an appropriate mix of commercial, residential, entertainment, civic, and recreational uses within a traditional pedestrian oriented development pattern and supported by attractive street designs, open spaces and building forms;
- 16.001 Create a safe, accessible, convenient, attractive and highly functional village center environment that meets the needs of village residents and visitors as a place to live, work, obtain necessary goods and services, recreate, and socialize;
- 16.002 Coordinate the safe circulation of private vehicles, public transit, bicycles, and pedestrians through an intermodal transportation network of streets and paths connecting neighborhoods, employment centers, open spaces, and areas of activity within the FBD and surrounding areas;
- 16.003 Protect and expand opportunities for small locally-owned businesses and other entrepreneurial activity that primarily but not exclusively serves the center and its surrounding neighborhoods;
- 16.004 Encourage flexibility and variety in future development while ensuring preservation of and compatibility with historic fabric, the use of high quality materials and sustainable design for new buildings and landscapes; and
- 16.005 Ensure future development that is in accordance with the key directions of the Amherst Master Plan, in order to:
  - 1. Maintain Amherst's existing community character,
  - 2. Encourage vitality in the downtown and village centers,
  - 3. Balance land preservation in outlying areas with more intensive development in centers and other appropriate areas,
  - 4. Provide housing that meets the needs of all residents while minimizing environmental impacts,
  - 5. Provide community services to meet the needs of all residents,
  - 6. Diversify and expand the economic base,
  - 7. Enhance town/gown relations and cooperation, and
  - 8. Promote an ethic of sustainable environmental and energy practices in all Town activities.

In Form-Based Districts (FBD) there may be approaches that are acceptable and desirable but which do not explicitly comply with the standards established in this Article 16. It is understood that these standards cannot comprehensively anticipate all possible solutions nor are they intended to stifle creativity or prevent innovation. Alternative approaches to meet the intentions of these standards may be proposed, reviewed, and approved under the provisions of Section 16.9 – Administration, under the alternative compliance method provided thereunder.

## SECTION 16.1 BASE ZONING DISTRICTS AND OVERLAY DISTRICTS

16.10 The Form-Based Zoning regulations in Article 16 Form-Based Zoning shall be applied to the following Form-Based Districts (FBD):

16.100 NAVC North Amherst Village Center

16.101 AC Atkins Corners

16.102 R-VF Village Form Residence Overlay District

16.103 ED-F Education Form Overlay District

## SECTION 16.2 STREET TYPES

- 16.20 Street Types and Location – Specific street types are allowed within the Form-Based Districts (FBD) as identified on Table 16.2.0. Table 16.2.0 indicates the street types permitted with a short description of the intent and criteria for each. These street types shall comply with the design standards in Figure 16.2.1 and the Town of Amherst Landscaping Guidelines.

Table 16.2.0 – Street Types for Form-Based Districts (FBD)					
Street Type	Intent and Criteria	NAVC	AC	R-VF	ED-F
Commercial/ Civic Street Type	This street type is intended to encourage vitality, better organize vehicle flow and parking, provide for a flexible range of facilities for current and future public transit, and improve the pedestrian and bicycling infrastructure in the village centers. The purpose of the street type is to create a local slow-movement street suitable to a walkable pedestrian-friendly center with on-street parking, traffic calming, frequent crosswalks, pedestrian spaces, street trees and high density uses. Street frontages are defined by buildings that provide a mix of uses with shops, offices, civic uses and homes and provide screened off-street parking that is located to the rear of any given site. These streets create a safe and walkable environment with raised curbs, storm drain inlets, mid-street dividers or pedestrian islands where feasible, public transit stops and related facilities, and delineated on-street parking. Trees shall define the edge of the street, provide shade, and include native species appropriate to the site and complementary to the heritage of Amherst. Trees planted in regular intervals along the street allow for adequate space for street furniture and other sidewalk amenities.	X			
Commercial Street Type	This street type is intended to encourage economic, social, and cultural vitality, better organize vehicle flow and parking, improve pedestrian and bicycling access, increase attractiveness, and provide traffic calming for a commercial roadway. The purpose of this street type is to create a local moderate-movement street that buffers pedestrian and bicycles from traffic with street trees and a landscaped planted area at the street edge, while providing convenience and storefront visibility for commercial uses. These streets are intended to create a safe and walkable environment with raised curbs, storm drain inlets, mid-street dividers or pedestrian islands where feasible, and public transit stops and related facilities.	X			
Village Commercial Street Type	This street type is intended to improve pedestrian and bicycle access, provide for a flexible range of facilities for current and future public transit, provide safe pedestrian crossings and landscaped edges along a low density, primarily commercial roadway. This street type intends to create a local moderate-movement street that buffers pedestrian and bicycles from traffic with street trees and a landscaped planted area at the street edge and meandering paths that meet road crossings at strategic intersections.		X		X
Village Residential Street Type	This street type is intended to maintain Amherst's existing village residential community character while minimizing the impact of vehicular traffic and parking, encouraging pedestrians and bicycle use, and providing a flexible range of facilities for current and future public transit. The purpose of the street type	X		X	

	is to create a local slow movement street suitable to a pedestrian and bicycle friendly residential street with traffic calming, crosswalks, a center traffic divider where feasible, public transit stops and facilities, street trees and low density uses. Street frontages are defined by yards and open spaces that provide an attractive setting for village residential buildings.				
Access Street Type	This street type is intended to create access for sites not located on a public way and intends to be an integral feature of new developments in such locations. The purpose of this street type is to create a local slow movement street that provides vehicular and pedestrian circulation with sidewalks and crosswalks and on-street parking on a tree-lined way that allows public access to the rear of building lots, parking, utility or service areas or otherwise undevelopable site locations. An access road must be used with new development in lieu of any driveway over 100 feet in length, as measured from the edge of the public way, along the centerline of the driveway. The location and orientation of an access street shall be planned in concert with, and as a larger system of, other potential and existing roadways. Access streets shall be developed to the design standards set forth in the Town of Amherst Subdivision Regulations for roadways sufficient to provide legal frontage for building lots. Access streets are intended to create a safe and walkable environment with raised curbs, storm drain inlets, mid-street dividers or pedestrian islands where feasible, and public transit stops and related facilities where appropriate.	X	X	X	
Multi-Purpose Pathway	This street type is intended to create a meandering public path for pedestrian and bicycle use that creates a level of interest and variety in accessing parks, open space and conservation areas. This non-vehicular path runs adjacent to other streets or natural features and connects directly to the sidewalk and bicycle path network that is associated with other street types.	X	X	X	

16.21 Purpose– Street type design regulations established under this Bylaw are intended to govern the design of new or altered property and buildings, as well as street yard areas on private or public property. These regulations establish design and spatial relationships and connections between sites, buildings, and streets which promote the purposes set forth in Section 16.00.

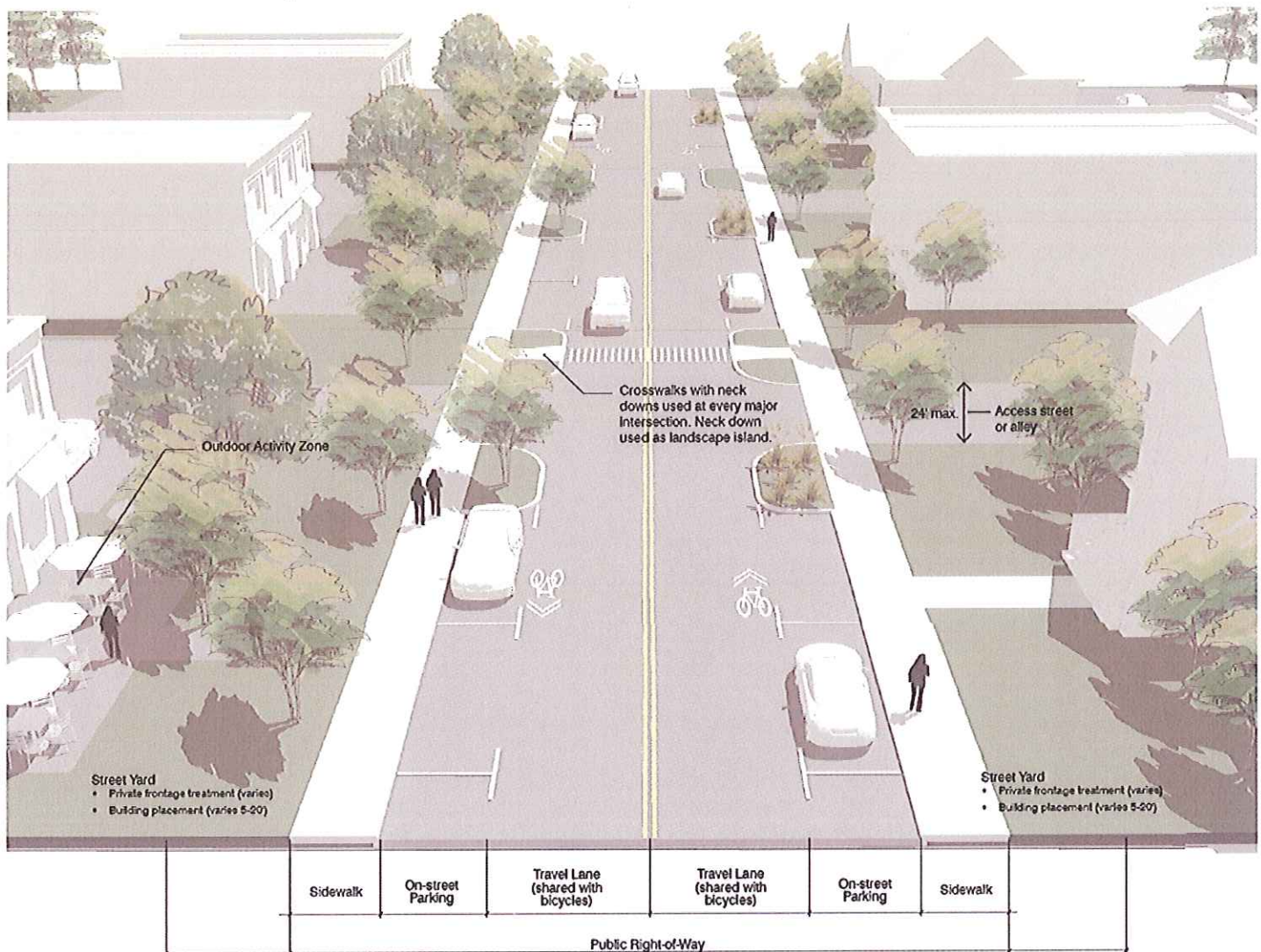
16.210 Public/Private Ways & Jurisdiction – Street type design regulations and graphics illustrating those regulations as they apply within public or private ways are intended to serve as advisory design guidelines offered for the consideration of those public permitting bodies with design control over public ways under state and local law, and are not binding on the decisions of those permitting bodies. These regulations and graphic illustrations are intended to ensure that the design of streets within Form-Based Districts (FBD) is consistent and compatible with the design of future property development governed by these regulations in those same districts.

16.22 Street Networks and Connectivity – Form-Based Districts (FBD) shall have an interconnected network of streets, sidewalks, and pedestrian paths intended to achieve the following transportation objectives:

- 
- 16.220 The ability to accommodate existing or anticipated public transit improvements and facilities, including but not limited to bus stops, dedicated bus pull-off lanes and turn-arounds. Dedicated bus pull-off lanes for mass transit shall be provided measuring a minimum of 8 feet wide by 50 feet long, to prevent bus stops from occurring in established traffic lanes.
- 16.221 Modes of transportation that offer an alternative to transportation by personal automobile shall be given equal priority in street design including pedestrian, bicycle, and public transportation travel.
- 16.222 All new streets established by street type under these regulations shall be a public way or a private way. The establishment of closed or gated private streets are prohibited.
- 16.223 Sidewalks and rows of street trees must be provided on both sides of all primary streets as described within the street types. To allow healthy tree growth, when street trees will be planted in tree wells or planting strips narrower than 10 feet, the developer shall support the surrounding sidewalk and parking lane with structural soil or provide an equivalent soil volume using a method acceptable to the Amherst Tree Warden, and shall care for newly planted street trees for a period of not less than two (2) years from the date of planting. The provisions of the Town of Amherst Landscaping Guidelines for best practices and species recommendations shall apply to all landscape plantings.
- 16.23 Street Design Standards – The street types shall be designed in accordance with all standards in Table 16.2.0 and Figure 16.2.1. The specific design of each street shall follow the cross-sections illustrated in Figure 16.2.1 for each street type. The right-of-way layout for each street type including various combinations of travel lanes, parking aisles, curbing, planting areas and sidewalks shall supersede any conflicting standards, if so determined by the permitting body or bodies with jurisdiction (see Section 16.210). The illustrations of Figure 16.2.1 represent one possible solution for exact dimensions, exact conditions may vary; proposals shall meet the intent shown.
- 16.24 Additional Street Types – The defined street types are intended to capture all of the possible variations in street use and type with the Form-Based Districts. Additional street types are not permitted except where the Permit granting Board finds under Section 16.91 that, in addition to meeting the findings already required under that section, a proposal for a different street type or substantial variation in an existing street type is consistent with the purposes and criteria of the street types herein outlined.

FIGURE 16.2.1 - STREET TYPES - COMMERCIAL/CIVIC STREET TYPE

## Cross Section/Perspective View



## DESIGN CHARACTERISTICS

**Location(s) of Street Type:**

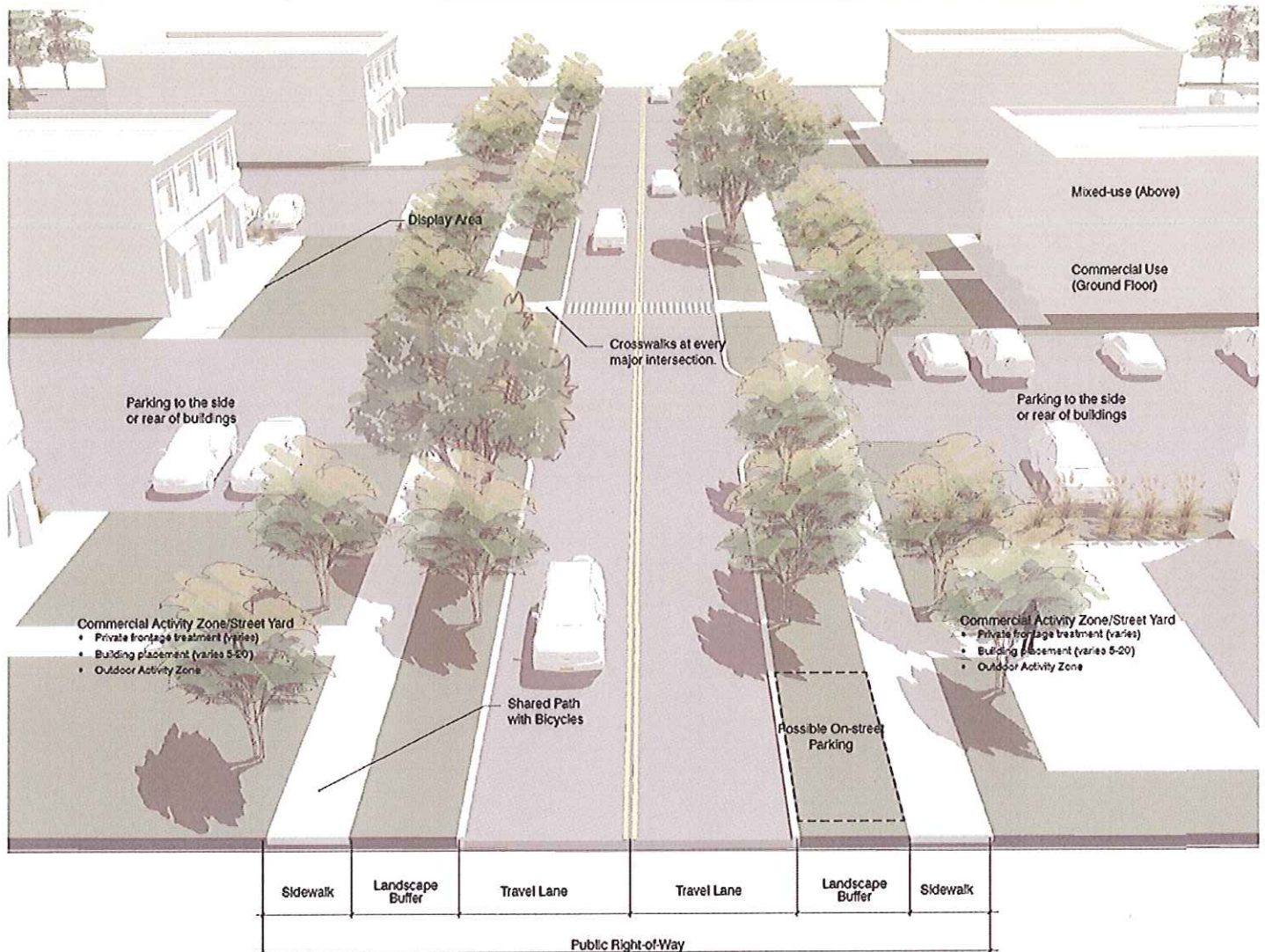
1. Sunderland Road - south of Mill River to the intersection of Meadow Street and Pine Street.
2. Monlague Road - south of Mill River to the intersection of Sunderland Road.
3. Meadow Street - from the west extent of the NAVC Form-Based District to the intersection of North Pleasant Street.
4. North Pleasant Street - from the south extent of the NAVC Form-Based District to the intersection of Meadow and Pine Streets.
5. Pine Street - from the east extent of the NAVC Form-Based District to the intersection of North Pleasant Street.

The illustrations of Figure 16.2.1 represent one possible solution for exact dimensions, exact dimensions may vary, proposals shall meet the intent shown. Designs, dimensions and features shown within the public way are intended to serve as advisory guidelines offered for the consideration of those public permitting bodies with design control over public ways under state and local law, and are not binding on the decisions of those permitting bodies.

DESIGN CHARACTERISTICS			
<b>Movement</b>	Free Movement	<b>Road Edge Treatment</b>	Curb
<b>Traffic Lanes</b>	Two- 12 feet (maximum)	<b>Planter Strip/ Box Width</b>	NA
<b>Parking Lanes</b>	Two- 8 feet (maximum)	<b>Planter Type</b>	NA
<b>R.O.W Width</b>	50 feet	<b>Planting Pattern</b>	NA
<b>Pavement Width</b>	40 feet	<b>Tree Type</b>	Varied Street Trees
<b>Traffic Flow</b>	Two ways	<b>Utilities</b>	Below Grade (preferred)
<b>Curb Type</b>	Raised granite	<b>Street Light Type</b>	Street Scale Ornamental
<b>Curb Radius</b>	30 feet	<b>Street Light Spacing</b>	30 foot Intervals
<b>Vehicular Design Speed</b>	40 MPH	<b>Bike Way Type</b>	With flow
<b>Pedestrian Crossing Time</b>	4 Seconds	<b>Bike Way Width</b>	None
<b>Turning Lanes</b>	Not to exceed 10 feet (except at intersections to maintain turning radii)	<b>Sidewalk Placement</b>	Both Sides
		<b>Sidewalk Width</b>	5 feet public/private extension possible

FIGURE 16.2.1 - STREET TYPES - COMMERCIAL STREET TYPE

## Cross Section/Perspective View



## DESIGN CHARACTERISTICS

**Location(s) of Street Type:**

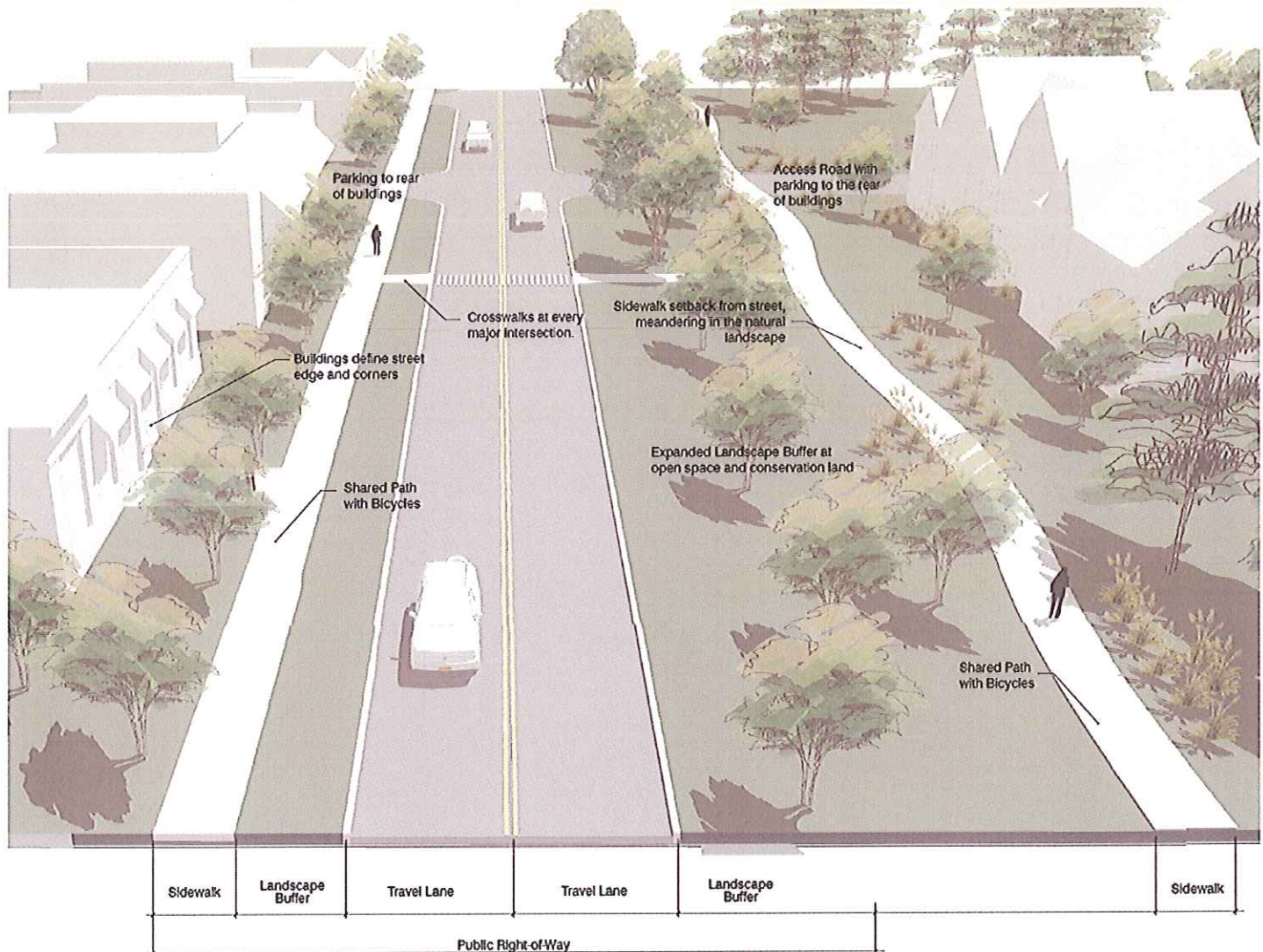
1. **Sunderland Road** - north of Mill River to the north extent of the NAVC Form-Based District.
2. **Cowley Road** - from the intersection of Sunderland Road to the east extent of the NAVC Form-Based District.

The illustrations of Figure 16.2.1 represent one possible solution for exact dimensions, exact dimensions may vary; proposals shall meet the intent shown. Designs, dimensions and features shown within the public way are intended to serve as advisory guidelines offered for the consideration of those public permitting bodies with design control over public ways under state and local law, and are not binding on the decisions of those permitting bodies.

DESIGN CHARACTERISTICS			
<b>Movement</b>	Free Movement	<b>Road Edge Treatment</b>	Curb
<b>Traffic Lanes</b>	Two- 12 foot	<b>Planter Strip/ Box Width</b>	8 feet
<b>Parking Lanes</b>	NA	<b>Planter Type</b>	Continuous
<b>R.O.W Width</b>	52 feet	<b>Planting Pattern</b>	Clustered/Irregular
<b>Pavement Width</b>	24 feet	<b>Tree Type</b>	Selected Street Trees
<b>Traffic Flow</b>	Two ways	<b>Utilities</b>	Below Grade (preferred)
<b>Curb Type</b>	Raised granite	<b>Street Light Type</b>	Street Scale Ornamental
<b>Curb Radius</b>	30 feet	<b>Street Light Spacing</b>	40 foot intervals
<b>Vehicular Design Speed</b>	45 MPH	<b>Bike Way Type</b>	Shared-use Sidewalk
<b>Pedestrian Crossing Time</b>	4 Seconds	<b>Bike Way Width</b>	6 feet (minimum)
<b>Turning Lanes</b>	Not to exceed 10 feet (except at intersections to maintain turning radii)	<b>Sidewalk Placement</b>	Both Sides
		<b>Sidewalk Width</b>	6 feet public/private extension possible

FIGURE 16.2.1 - STREET TYPES - VILLAGE COMMERCIAL STREET TYPE

Cross Section/Perspective View



## DESIGN CHARACTERISTICS

**Location(s) of Street Type:**

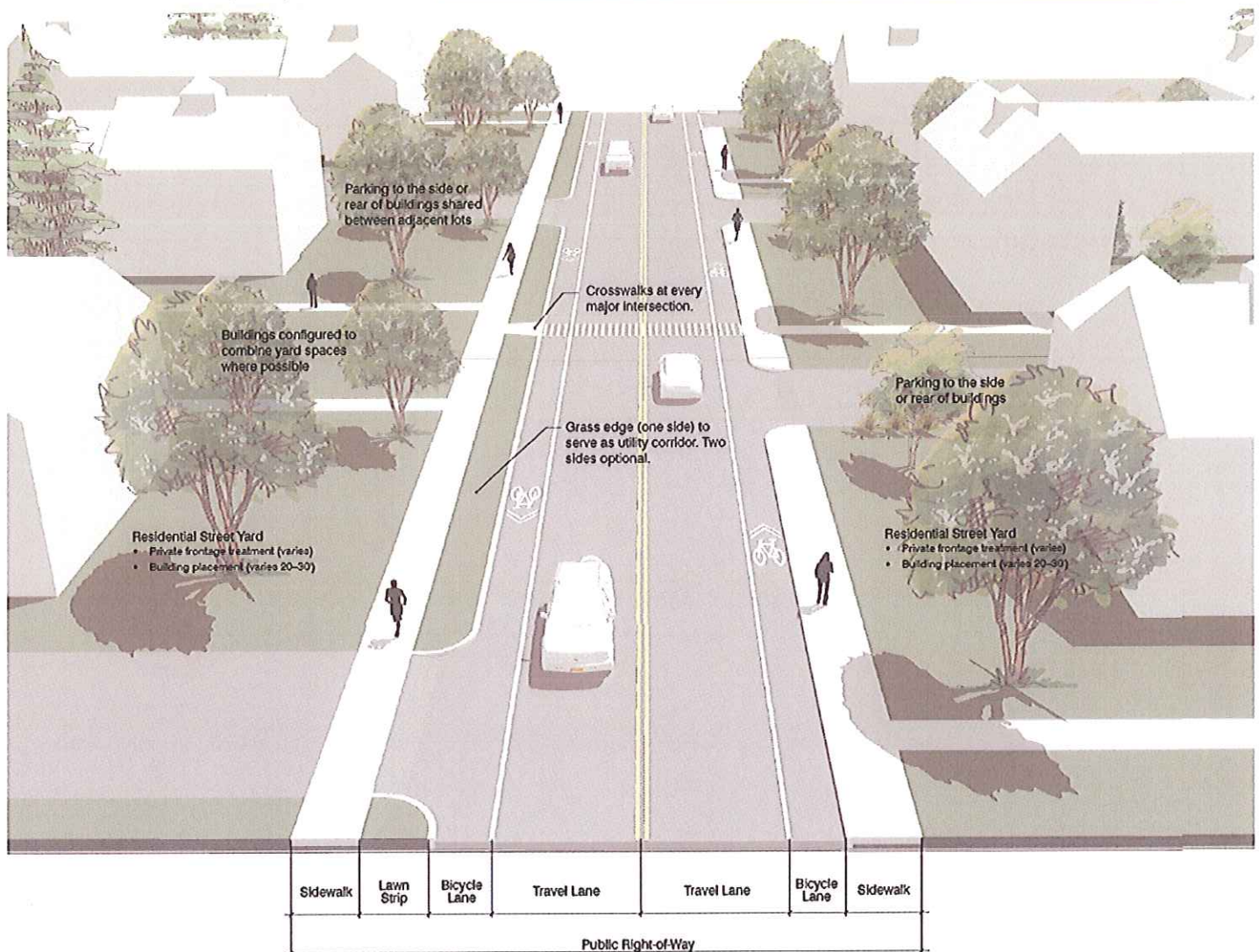
1. Bay Road - from the east extent of the AC Form-Based District to the intersection of West Street.
2. West Bay Road - from the west extent of the AC Form-Based District to the intersection of West Street.
3. West Street - from the north extent of the AC Form-Based Overlay District to the south extent of the AC Form-Based District.

The illustrations of Figure 16.2.1 represent one possible solution for exact dimensions, exact dimensions may vary; proposals shall meet the intent shown. Designs, dimensions and features shown within the public way are intended to serve as advisory guidelines offered for the consideration of those public permitting bodies with design control over public ways under state and local law, and are not binding on the decisions of those permitting bodies.

DESIGN CHARACTERISTICS			
<b>Movement</b>	Free Movement	<b>Road Edge Treatment</b>	Curb
<b>Traffic Lanes</b>	Two- 12 foot	<b>Planter Strip/ Box Width</b>	8 feet (minimum), expand at open spaces
<b>Parking Lanes</b>	NA	<b>Planter Type</b>	Continuous
<b>R.O.W Width</b>	52 feet	<b>Planting Pattern</b>	Clustered/Irregular
<b>Pavement Width</b>	24 feet	<b>Tree Type</b>	Selected Street Trees
<b>Traffic Flow</b>	Two ways	<b>Utilities</b>	Below Grade (preferred)
<b>Curb Type</b>	Raised granite	<b>Street Light Type</b>	Street Scale Ornamental
<b>Curb Radius</b>	30 feet	<b>Street Light Spacing</b>	40 foot Intervals
<b>Vehicular Design Speed</b>	45 MPH	<b>Bike Way Type</b>	Shared-use Sidewalk
<b>Pedestrian Crossing Time</b>	4 Seconds	<b>Bike Way Width</b>	6 feet (minimum)
<b>Turning Lanes</b>	Not to exceed 10 feet (except at intersections to maintain turning radii)	<b>Sidewalk Placement</b>	Both Sides
		<b>Sidewalk Width</b>	6 feet public/private extension possible

FIGURE 16.2.1 - STREET TYPES - VILLAGE RESIDENTIAL STREET TYPE

## Cross Section/Perspective View



## DESIGN CHARACTERISTICS

**Location(s) of Street Type:**

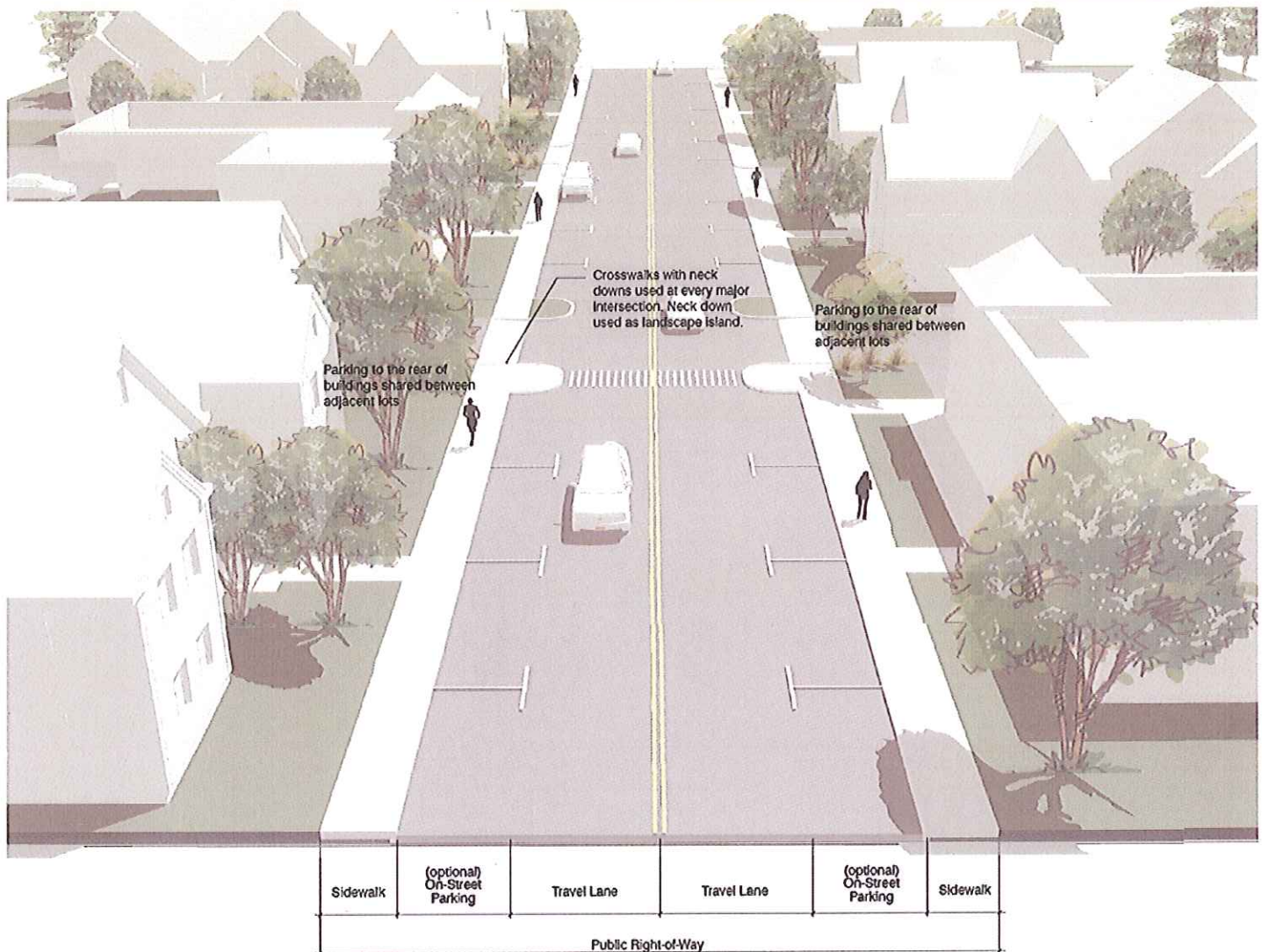
1. **Montague Road** - north of Mill River to the north extent of the R-VF Form-Based Overlay District.
2. **Cowley Road** - from the west extent of the R-VF Form-Based Overlay District to the intersection of Montague Road.
3. **Meadow Street** - from the west extent of the R-VF Form-Based Overlay District to the east extent of the NAVC Form-Based District.
4. **Pine Street** - from the east extent of the R-VF Form-Based Overlay District to the east extent of the NAVC Form-Based District.
5. **North Pleasant Street** - from the south extent of the R-VF Form-Based Overlay District to the south extent of the NAVC Form-Based District.
6. **West Street** - from the north extent of the R-VF District to the south extent of the R-VF District at the intersection of Country Corners Road.

The illustrations of Figure 16.2.1 represent one possible solution for exact dimensions, exact dimensions may vary; proposals shall meet the intent shown. Designs, dimensions and features shown within the public way are intended to serve as advisory guidelines offered for the consideration of those public permitting bodies with design control over public ways under state and local law, and are not binding on the decisions of those permitting bodies.

DESIGN CHARACTERISTICS			
<b>Movement</b>	Free Movement	<b>Road Edge Treatment</b>	Curb
<b>Traffic Lanes</b>	Two- 11 foot (maximum)	<b>Planter Strip/ Box Width</b>	5 feet (one side only)
<b>Parking Lanes</b>	NA	<b>Planter Type</b>	Continuous
<b>R.O.W Width</b>	45 feet	<b>Planting Pattern</b>	Lawn
<b>Pavement Width</b>	30 feet	<b>Tree Type</b>	NA
<b>Traffic Flow</b>	Two ways	<b>Utilities</b>	Below Grade (preferred)
<b>Curb Type</b>	Raised granite	<b>Street Light Type</b>	Street Scale Ornamental
<b>Curb Radius</b>	15 feet	<b>Street Light Spacing</b>	30 foot intervals
<b>Vehicular Design Speed</b>	30 MPH	<b>Bike Way Type</b>	With flow
<b>Pedestrian Crossing Time</b>	4.5 Seconds	<b>Bike Way Width</b>	4 feet (maximum)
<b>Turning Lanes</b>	Not to exceed 10 feet (except at intersections to maintain turning radii)	<b>Sidewalk Placement</b>	Both Sides
		<b>Sidewalk Width</b>	5 feet (maximum)

FIGURE 16.2.1 - STREET TYPES - ACCESS STREET TYPE

## Cross Section/Perspective View



## DESIGN CHARACTERISTICS

**Location(s) of Street Type:**

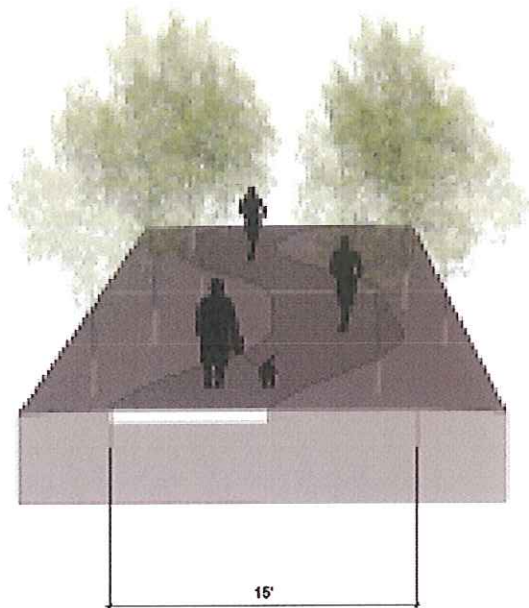
1. New roadways associated with interior block development.

The illustrations of Figure 16.2.1 represent one possible solution for exact dimensions, exact dimensions may vary; proposals shall meet the intent shown. Designs, dimensions and features shown within the public way are intended to serve as advisory guidelines offered for the consideration of those public permitting bodies with design control over public ways under state and local law, and are not binding on the decisions of those permitting bodies.

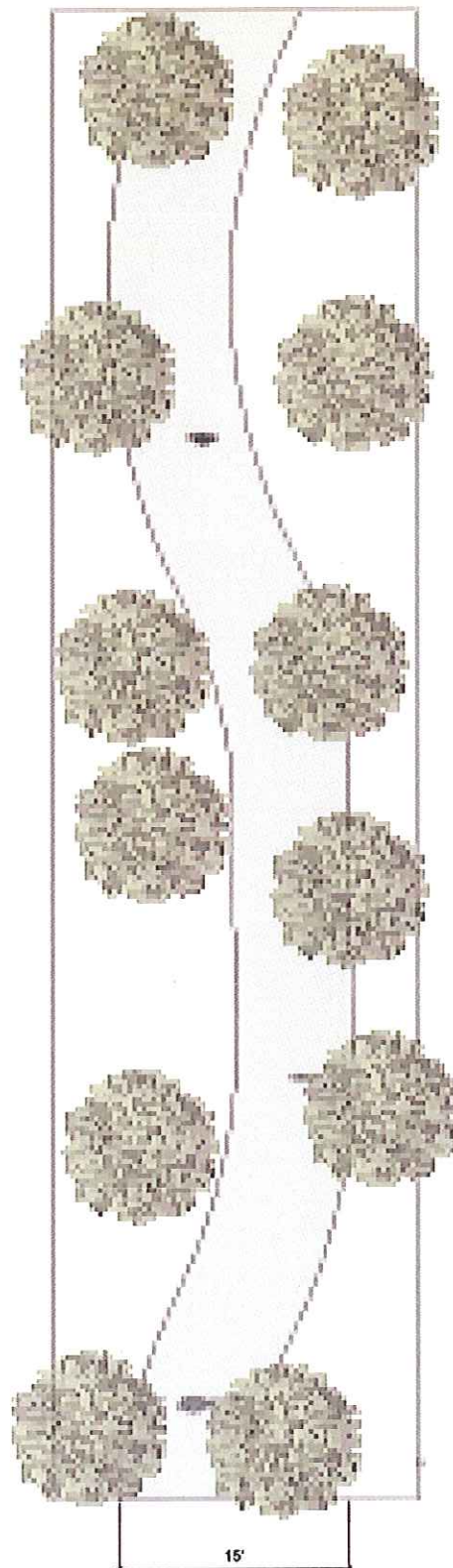
DESIGN CHARACTERISTICS			
<b>Movement</b>	Free Movement	<b>Road Edge Treatment</b>	Curb
<b>Traffic Lanes</b>	Two- 10 feet (maximum)	<b>Planter Strip/ Box Width</b>	NA
<b>Parking Lanes</b>	Two- 8 feet (maximum)	<b>Planter Type</b>	NA
<b>R.O.W Width</b>	48 feet (32 feet minimum)	<b>Planting Pattern</b>	NA
<b>Pavement Width</b>	38 feet	<b>Tree Type</b>	NA
<b>Traffic Flow</b>	Two ways	<b>Utilities</b>	Below Grade (preferred)
<b>Curb Type</b>	Raised granite	<b>Street Light Type</b>	Street Scale Ornamental
<b>Curb Radius</b>	30 feet	<b>Street Light Spacing</b>	30 foot intervals
<b>Vehicular Design Speed</b>	25 MPH	<b>Bike Way Type</b>	Not Dedicated; With flow
<b>Pedestrian Crossing Time</b>	4 Seconds	<b>Bike Way Width</b>	None
		<b>Sidewalk Placement</b>	Both Sides
		<b>Sidewalk Width</b>	5 feet public/private extension possible

FIGURE 16.2.1 - MULTI-PURPOSE PATHWAY

Cross Section/Perspective View



Plan View

**DESIGN CHARACTERISTICS**

<b>Movement</b>	Slow Movement
<b>R.O.W Width</b>	15 feet
<b>Pavement Width</b>	8 feet
<b>Traffic Flow</b>	Two Ways
<b>Curb Type</b>	None
<b>Pedestrian Crossing Time</b>	NA
<b>Planter Strip/Box Width</b>	None
<b>Planter Type</b>	Continuous
<b>Planting Pattern</b>	Clustered/Irregular
<b>Tree Type</b>	Variable species
<b>Utilities</b>	Below grade (preferred)
<b>Street Light Type</b>	Pedestrian Scale Ornamental
<b>Street Light Spacing</b>	30 foot intervals
<b>Bike Way Type</b>	Shared-use Sidewalk
<b>Bike Way Width</b>	8 feet
<b>Sidewalk Placement</b>	Varies
<b>Sidewalk Width</b>	8 feet public/private extension possible

**Location(s) of Street Type:**

1. New pedestrian access to locations independent of roadways. For example, walkways at Mill River.

The illustrations of Figure 16.2.1 represent one possible solution for exact dimensions, exact conditions may vary; proposals shall meet the intent shown.

## SECTION 16.3 BUILDING TYPES AND SITE DIMENSIONAL STANDARDS

- 16.30 Building and Site Types – specific building and site types are allowed within the Form-Based Districts (FBD) as identified on Table 16.3.0. Table 16.3.0 below indicates the building and site types permitted with a short description of the intent and criteria for each. These building and site types must also comply with the design standards in Figure 16.3.1 below. Character examples are provided for each building and site type for illustrative purposes only. Except as noted, parking spaces are provided on-street, to the rear of the lot, or as otherwise provided in Section 16.7 – Off Street Parking and Access Standards.

Table 16.3.0 – Building and Site Types for Form-Based Districts					
<i>Building Type</i>	<i>Intent and Criteria</i>	<i>NAVC</i>	<i>AC</i>	<i>R-VF</i>	<i>ED-F</i>
Civic Building	This building and site type is intended to accommodate buildings and open spaces containing public or civic uses such as community center, education, places of worship, or library. The type defines the street edge and any adjacent public spaces by orienting main entries, primary facades, street yard and architectural features to define the primary public way. Landscaped walkways connect the building entry to public sidewalks. Walkways also connect landscaped parking areas located at the rear of the building to the building entry.	X	X		NOT APPLICABLE
Commercial Building	This building and site type is intended to accommodate larger footprint commercial uses that may include stores, restaurants or offices. The type uses the building and landscaping to screen large areas of parking associated with commercial uses located to the rear or side of the building. The building addresses the street through the orientation of primary façade, display windows, and outdoor activity zones. Walkways connect the building entry to public sidewalks and parking areas.	X	X		
Mixed-Use Building	This building and site type is intended to accommodate a variety of uses, including residential, on upper stories above various commercial uses on the ground floor level. The commercial ground floor addresses the street through the orientation of primary façade, display windows, and outdoor activity zones. The building clearly establishes the location of entries for each use. Primary building façade is oriented to the street with walkways connecting the building entry to public sidewalks and parking areas. Landscaping is used to define street edge and buffer parking areas.	X	X		
Multi-Family Residential Building	This building and site type is intended to accommodate multiple dwelling units configured within a single building above or beside one another. This may include town houses as well as apartment and mixed use building types with common access areas. The building mass is articulated to reduce the overall scale and the primary building façade oriented to the street. Walkways connect the building entry to public sidewalks and parking areas. Landscaping is used to define the street edge, buffer parking areas and add interest to open spaces. On any given property,	X	X		

	residential buildings shall create a balanced mix of 1-bedroom, 2-bedroom, and 3-bedroom unit types, and may include studio units.				
Village Residential Building	This building and site type is intended to accommodate several masses which resemble a series of connected or detached farm house buildings (big house, little house, back house, barn) that contain multiple dwellings above and beside one another. This may include town houses as well as apartment building types with common access areas. The building mass is articulated to reduce the overall scale and the primary building façade is oriented to the street. Walkways connect the building entry to public sidewalks and parking areas. Landscaping is used to define the street edge, buffer parking areas and add interest to open spaces. On any given property, residential buildings shall create a balanced mix of 1-bedroom, 2-bedroom, and 3-bedroom unit types, and may include studio units.	X		X	
Live-Work Building	This building and site type is intended to accommodate a residence that includes work space. Primary building façade is oriented to the street with walkways connecting the building entry to public sidewalks and parking areas. Landscaping is used to define street edge and buffer parking areas.	X	X		

- 16.31 Sideyard Building Placement – Certain types of buildings may occupy one side of the lot with the setback on the other side. This placement alternative permits vehicle and pedestrian access to the rear of the lot through the side yard.
- 16.32 Full Frontage Building Placement – Certain types of buildings may occupy the full frontage, leaving the rear of the lot as the sole yard. This continuous building façade defines the public street. The rear elevations may be articulated for functional purposes such as for customer access from parking lots. The rear yard can accommodate on-site parking and open space.
- 16.33 Streetyard Building Setback – Certain types of buildings may be set back from the Street Yard to create a sense of prominence. In the FBD, Street yards shall be prominent for certain types of institutional and civic buildings. Streetyard setbacks are also permitted for Multi-Family Residential Buildings. Commercial buildings with streetyard setbacks shall utilize the space as an Outdoor Activity Zone.
- 16.34 Building Setbacks – Site configuration and building setback shall comply with the dimensional requirements of Article 6 – Dimensional Regulations – Table 3.
- 16.35 Additional Building and Site Types – Additional building and site types are not permitted except where specially authorized in Section 16.9 – Administration.
- 16.36 Use of Yards and Setbacks
- 16.360 Purpose and Intent – The purpose of using building setbacks is to promote streetscapes that are consistent with the desired character of the FBD. Active uses of setback areas

shall be permitted for pedestrian access, outdoor accessory uses, or to facilitate access to rear of the lot for parking and loading. No parking is allowed in the streetyard. Site plans shall demonstrate that the setback area accomplishes these objectives and creates an inviting environment for pedestrians.

16.361 Outdoor Activity Zones – Outdoor activities shall be allowed and encouraged where applicable as accessory uses to Retail Business and Consumer Service Uses within streetyard and sideyard areas on private lots. Outdoor dining areas shall be attractively designed and furnished to enhance the pedestrian environment. Outdoor dining areas may be extended onto the public sidewalk with a Special Permit from the Special Permit Granting Authority authorized to act under the applicable section of this bylaw where a minimum of six (6) feet of unobstructed passage remains for pedestrian use.

16.362 Outdoor Display – Outdoor display of products actively available for sale shall be permitted in association with any permitted nonresidential principal ground floor use in accordance with the following provisions:

1. Outdoor display shall occupy no more than 30% of the horizontal length of the building façade.
2. Outdoor display shall only be located within the streetyard setback area.
3. Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day.
4. Outdoor display shall not impair the ability of pedestrians to use the sidewalk.

#### 16.37 Frontage Zones

16.370 Frontage Zones – Frontage Zones in the FBD as shown on the Amherst Official Zoning Map. Each Frontage Zone includes the contiguous land area along an existing or new street from the edge of the public right-of-way to a prescribed depth as defined in Section 3.3 Use Classification and Standards. Within the Frontage Zones specific uses are permitted on the ground floor. Other uses are permitted but only above the ground floor or beyond the prescribed depth (referred to as Ground Floor Limitations) as defined in Section 3.3.

16.371 Ground Floor Limitations (GFL) – FBD Frontage Zones may contain Ground Floor Limitations restricting certain uses from occupying the ground floor of a building in the portion of said building within a prescribed lot depth measured from the public right-of-way on a street. These uses may be located in the upper floors within the Frontage Zone and at ground level at more than the prescribed depth as defined in Section 3.3 Use Classification and Standards. Street entrances may be allowed to GFL uses. The Special Permit Granting Authority authorized to act under the applicable section of this bylaw may grant a Special Permit for GFL restricted uses under Section 16.9 – Administration.

16.38 Frontage Occupation – Frontage occupation is the percentage of the width of a lot that is required to be occupied by its building's primary façade. Article 6 – Dimensional Regulations – Table 3 provides minimum frontage occupation percentages for each building and site type.

16.380 Up to 50% of the width of the primary façade shall be counted as meeting the frontage percentage requirement even though it may be set back up to 10 feet further from the street than the primary façade's principal plane.

16.381 The location of the primary façade's principal plane is not changed by façade extensions such as bay windows, awnings, porches, balconies, stoops, colonnades, or arcades, or by upper stories that are set back further from the street.

- 
- 16.39 Table of Site and Building Dimensional Standards – Article 6 – Dimensional Regulations – Table 3 establishes the lot, bulk, height, and setback ranges and requirements for the FBD. The table provides dimensional requirements that apply to all designated building and site types.

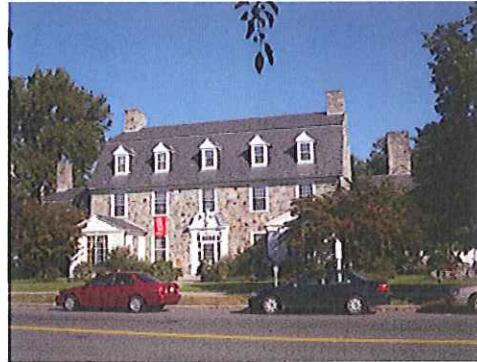
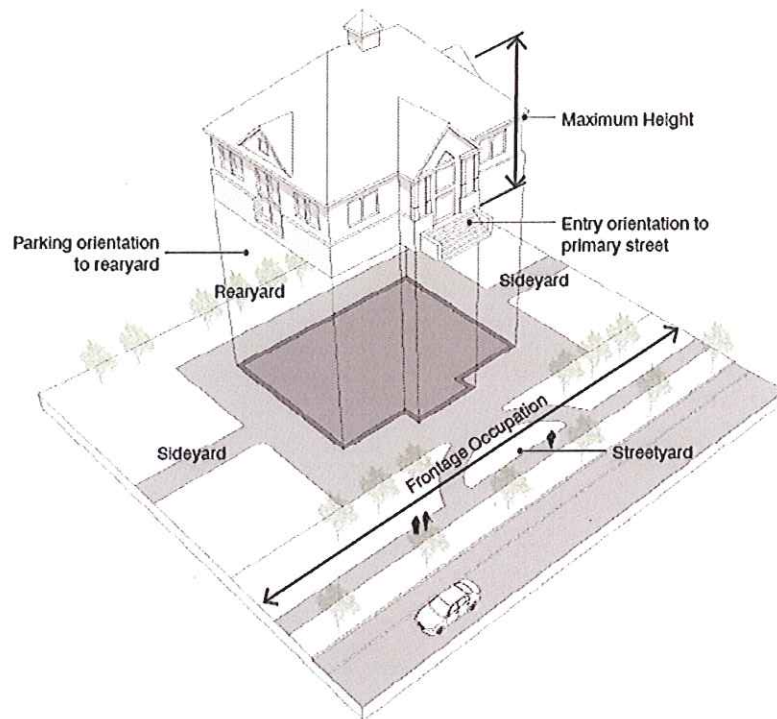
## FIGURE 16.3.1 - BUILDING AND SITE TYPES

### *Civic Building and Site Type*

*Character Examples:*

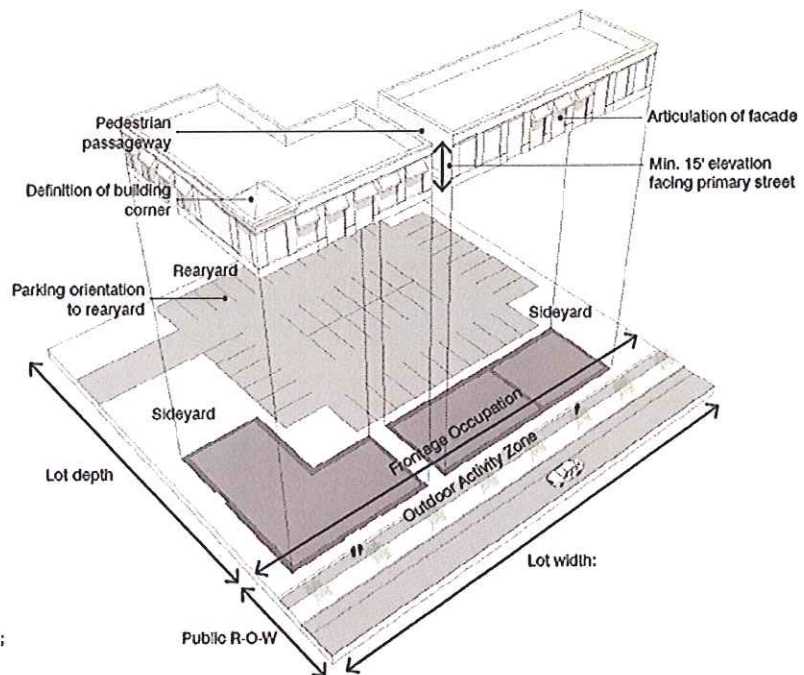


The illustrations and photographs of Figure 16.3.1 represent possible solutions; exact conditions may vary; proposals shall meet the intent shown.



**FIGURE 16.3.1 – BUILDING AND SITE TYPES****Commercial Building and Site Type***Character Examples:*

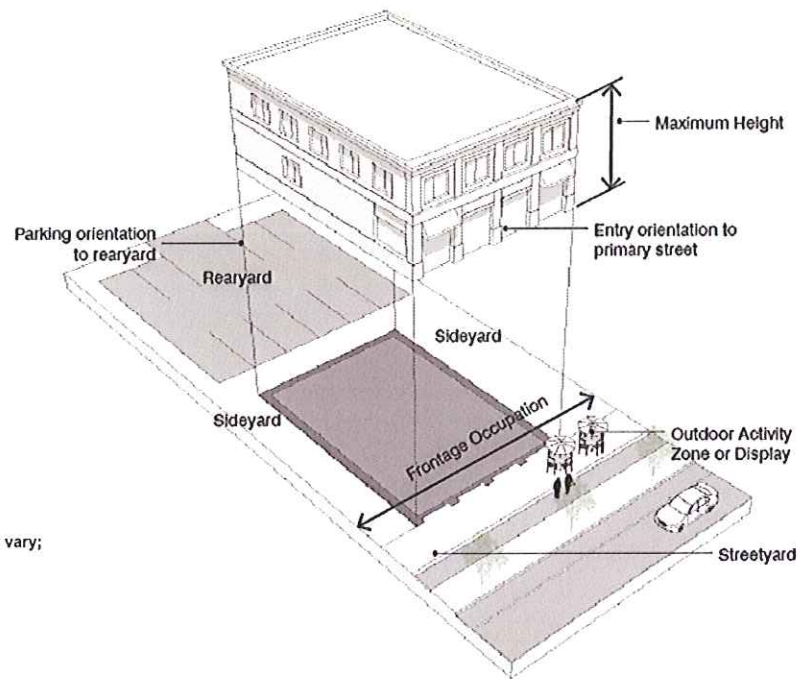
The illustrations and photographs of Figure 16.3.1 represent possible solutions; exact conditions may vary; proposals shall meet the intent shown.



## FIGURE 16.3.1 - BUILDING AND SITE TYPES

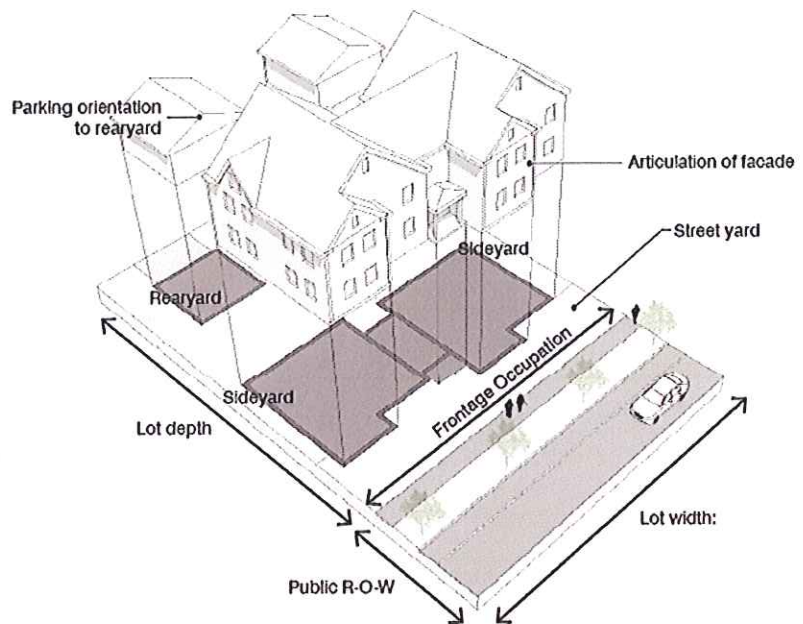
*Mixed Use Building and Site Type**Character Examples:*

The illustrations and photographs of Figure 16.3.1 represent possible solutions; exact conditions may vary; proposals shall meet the intent shown.



**FIGURE 16.3.1 – BUILDING AND SITE TYPES*****Multi-Family Residential Building and Site Type****Character Examples:*

The illustrations and photographs of Figure 16.3.1 represent possible solutions; exact conditions may vary; proposals shall meet the Intent shown.



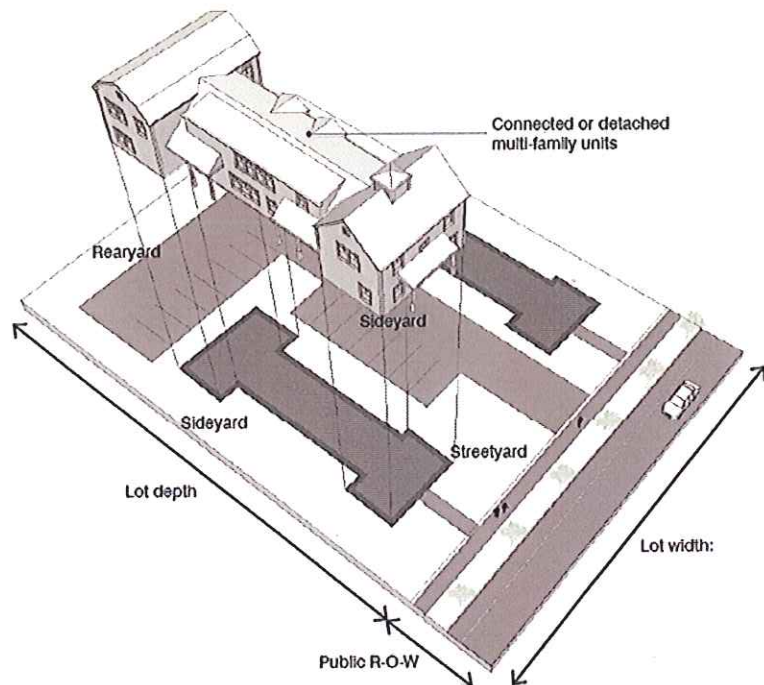
## FIGURE 16.3.1 - BUILDING AND SITE TYPES

### *Village Residential Building and Site Type*

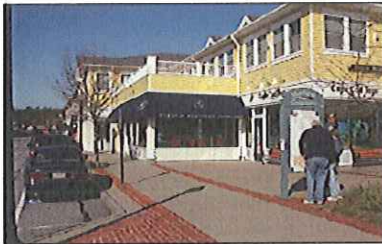
*Character Examples:*



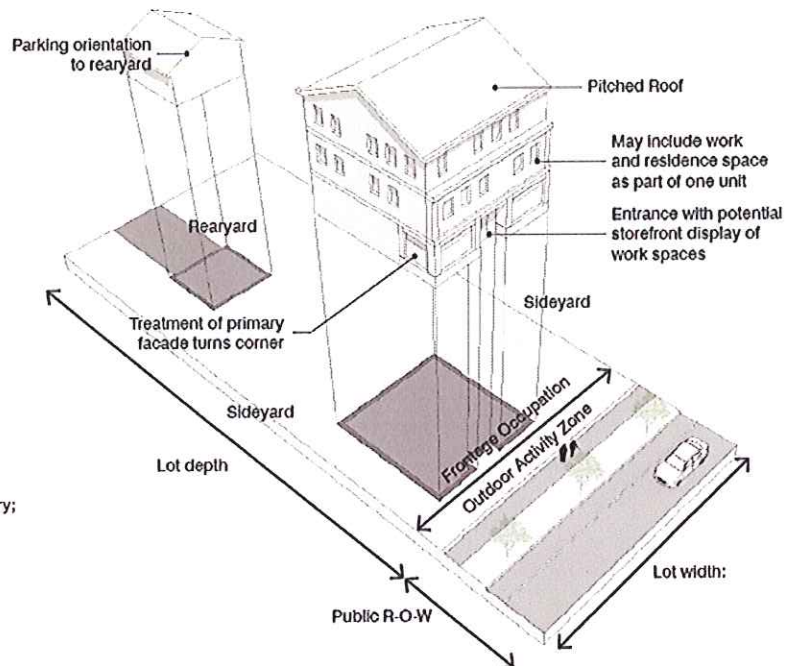
The illustrations and photographs of Figure 16.3.1 represent possible solutions; exact conditions may vary; proposals shall meet the Intent shown.





**FIGURE 16.3.1 – BUILDING AND SITE TYPES***Live-Work Building and Site Type**Character Examples:*

The illustrations and photographs of Figure 16.3.1 represent possible solutions; exact conditions may vary; proposals shall meet the intent shown.



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SECTION 16.4 DEVELOPMENT STANDARDS FOR SITES AND BUILDINGS

## 16.40 General Development Standards for Sites and Buildings

The following general development standards for sites and buildings are applicable to all Form-Based Districts (FBD), except where specifically modified in district subsections below. FBD established subsequently may be added to further define the standards of future districts:

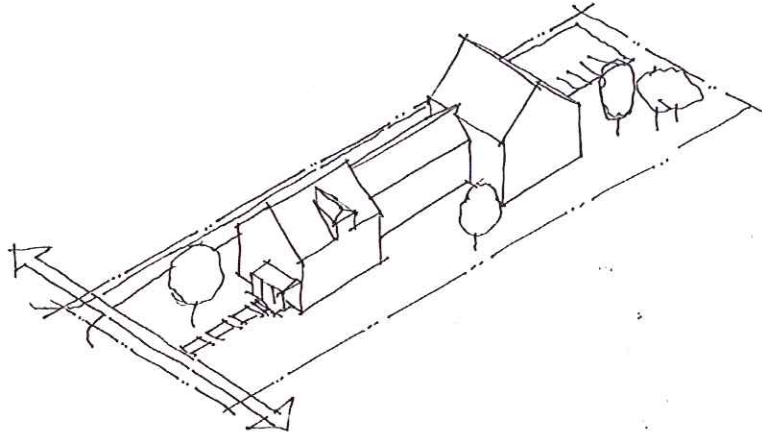
- 16.400 General Development and Design Principles – This section is intended to guide development of site and building design. These principles and standards are intended to encourage creativity, invention and innovation while maintaining the village center character of the FBD. There is no prescribed architectural or aesthetic style for the districts, but a series of general development principles and standards that apply to all actions reviewable under this section.
- 16.401 General Development Appearance – The character, layout and general composition of the site, including but not limited to the type, color and texture of materials used in plantings, paving, lighting, furnishing, signage, utility structures and all other appurtenant elements shall harmonize with the building design.
- 16.402 Façade Length and Articulation – Buildings or portions of a building with front elevations of over 50 feet in length shall be divided into smaller parts through pronounced variation in wall plane articulation and materials and variations in the cornice/roofline to accomplish the desired visual divisions of elevations into smaller parts. Building articulations shall be 12 inches or more in depth. Use of façade divisions, such as building jogs, architectural detailing, and changes in surface materials, colors, textures and roof lines is highly recommended. Uninterrupted facades shall not exceed 50% of the building wall, and in no case shall an uninterrupted wall expanse exceed 50 feet in length. All façades of a building which are visible from public streets shall feature characteristics similar to the front façade.
- 16.403 Building Separation – Multiple structures on the same site shall comply with Article 3 Section 3.01 and shall be separated by not less than 20 feet between buildings. Separation and configuration of buildings on the site shall allow for vehicle and pedestrian access to the rear of the site.
- 16.404 Building Entrances – Development and redevelopment shall include building façades that front on and have a principal pedestrian entrance oriented to public streets. The construction of any new buildings shall provide the creation of pedestrian alleyways, where appropriate, in order to allow for passageways to parking at the rear of the lots and adjoining streets.
- 16.405 Incorporate Architectural Features – The use of architectural features and details such as porches, awnings, columns, dormers, skylights and arches shall be used to create visually dynamic and interesting buildings. The definition of street corners with building form and architectural features is important to anchoring the building on the site and framing the street.

- 16.406 Transparency – Transparency is the percentage of windows and doors that cover a ground or upper story façade. Door and window openings shall be proportional to façade length and height. The building design shall create a sense of entry into the site through landscaping, façade treatment and signage. New non-residential development shall provide ground floor windows along street façades, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
- 16.407 Front Porches or Articulation of Entries – Front porches may extend up to 10 feet into street yards provided they are at least 8 feet deep. Partial walls, screened areas, and railings on porches that extend into the street yard may be no higher than 42 inches.
- 16.408 Building Roof Form and Features – Long unbroken expanses of roofs shall be avoided through the use of dormers, skylights, chimneys and changes in ridge line. Flat roofs shall not be permitted for one story buildings unless the front elevation is at least 15 feet in height. Flat roofs are permitted for only for Civic, Commercial, and Mixed Use buildings with the maximum number of floors. All other roof forms shall be pitched. Where pitched roofs are used, a 6 in 12 inch pitch or greater is encouraged. Accessory rooftop equipment shall not extend more than four (4) feet above the allowed building height provided that they are set back from the exterior wall(s) by at least 10 feet, and are enclosed or screened by a parapet, or with materials compatible with the building so as not to be visible from the ground. Accessory equipment shall not exceed 20% of the roof area. Where head house structures are necessary, they shall not exceed eight (8) feet in height, shall be set back from the exterior wall(s) by at least 10 feet, and shall not exceed 20% of the roof area.
- 16.409 Ground Story Heights – The ground story of commercial and mixed-use buildings must be from 12 feet to 18 feet tall. The ground story of residential and live-work buildings must be from 10 to 14 feet tall. Each story above the ground story in commercial and residential buildings must be from 8 feet to 12 feet tall; any upper story taller than 12 feet will count as two stories. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above. All building entrances shall abide by current state and federal regulations governing handicapped accessibility. In the case of adaptive reuse or renovation of existing buildings, where the first floor is more than 5 feet above the adjacent sidewalk, the space below the first floor counts as the ground (first) story.
- 16.4010 Driveways and Garages – Detached garages shall always be located in the rear of the lot. All walls of attached garages shall be at least 20 feet behind the principal plane of the house's primary façade. Garage doors shall face the side or the rear of the site rather than the streetyard. Where space does not permit a side- or rear-facing garage door, front-facing garage doors may be provided but each door shall not exceed 10 feet in width. Driveways shall serve as access to a minimum of three (3) dwelling units and may not exceed 12 feet in width except at the garage entrance.
- 16.41 Additional Development Standards for North Amherst Village Center (NAVC)

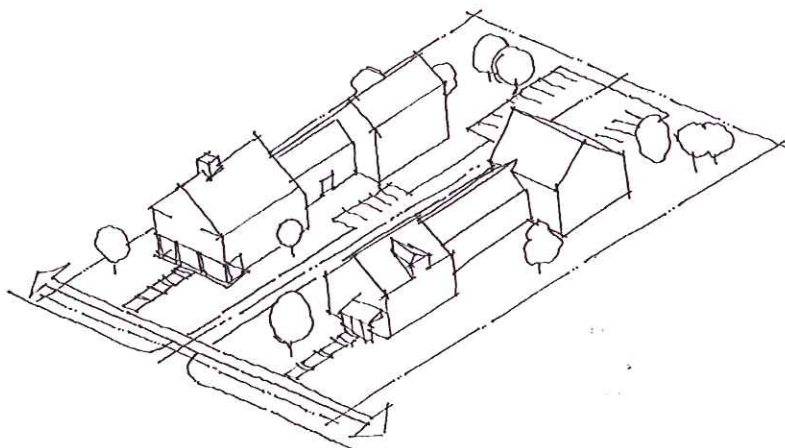
The following development standards for sites and buildings are specific to the North Amherst Village Center and are not applicable to other FBD:

16.410 In North Amherst Village Center, the village residential character is composed largely of a connected farmhouse configuration of buildings comprised of distinct and connected building sections along a central spine. To maintain this sense of character, new residential forms located upon Village Residential Streets (See Section 16.2) shall follow a similar composition including distinct building masses with pitched roofs that frame shared open spaces. The distinct building masses may be either connected or free-standing and independent, so long as the collective pattern of building(s) sited on a subject property conforms to the overall pattern(s) of configuration herein described.

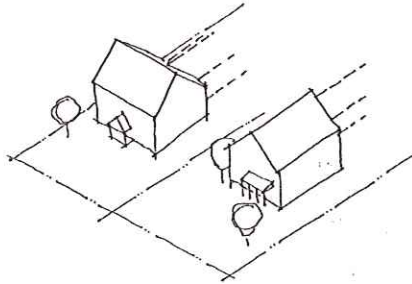
16.4100 A primary entry shall be oriented to the street with a connection to the sidewalk and articulation of the entry. See illustration below.



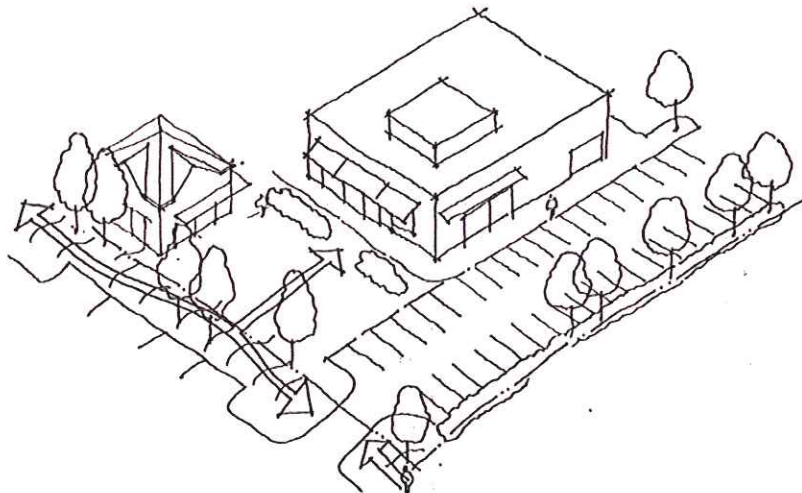
16.4101 The arrangement of adjacent village residential buildings of this type shall, wherever feasible, incorporate shared driveways, parking areas and walkways in order to ensure the preservation of open space. Pedestrian walkways shall be provided connecting building entrances to and from all parking areas and to the sidewalk at the street. Pedestrian circulation along the public way shall be uninterrupted and continuous. See illustration below.



- 16.4102 The building masses of adjacent structures, whether on abutting properties or within a larger property, shall provide variety and visual interest in their composition through variation in the orientation of gable ends and roof ridges, as viewed from the street. See illustration below.



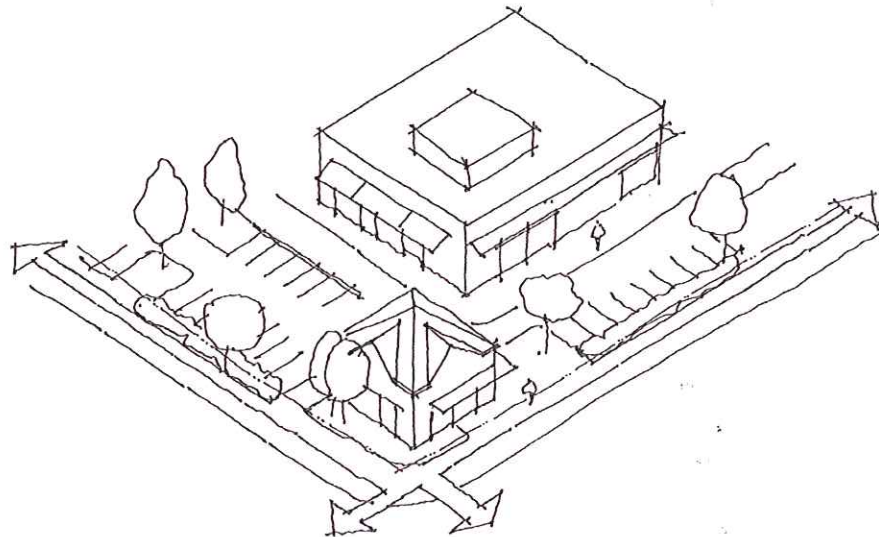
- 16.411 In North Amherst Village Center, the character of Commercial Street Types (See Section 16.2) shall be maintained by locating parking and loading to the sides and rear of buildings. Building frontages facing primary streets shall be developed as outdoor activity zones or landscaped entry areas. The pedestrian circulation shall be buffered from traffic along the primary street with landscaping and street trees. Pedestrian circulation shall be continuous and uninterrupted and provide access from all parking areas to the building entries. Parking areas shall be screened and buffered with buildings and landscaping.



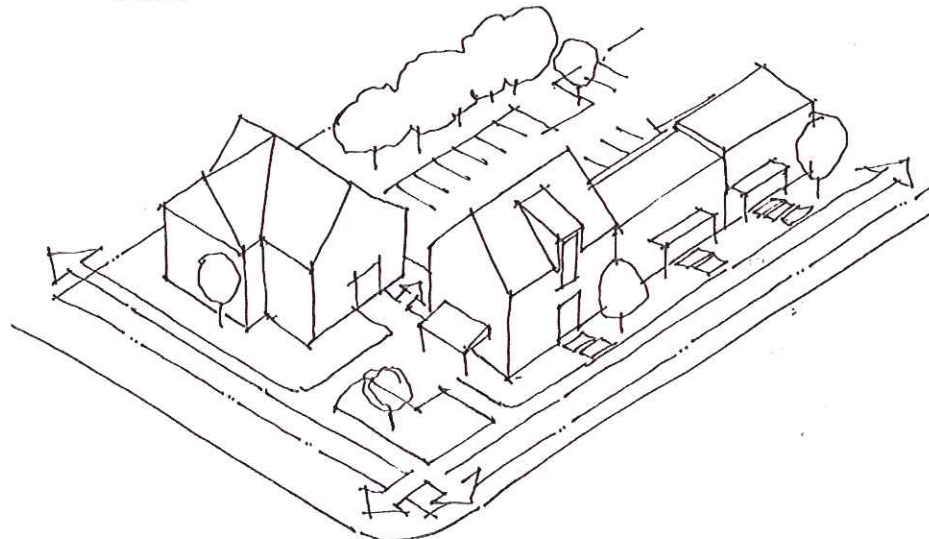
- 16.412 The landscape features in North Amherst Village Center shall be used as an opportunity to differentiate the character of the village center with an emphasis on agricultural and natural landscape, types of plantings and layouts, and mixed tree species appropriate to the habitats and microclimates of North Amherst. New landscaping shall incorporate a substantial portion of its landscape materials into agricultural or natural themes appropriate to the site and the heritage of North Amherst Village Center.
- 16.42 Additional Development Standards for Atkins Corners (AC)
- The following development standards for sites and buildings are specific to the Atkins Corners and are not applicable to other FBD:

- 16.420 In Atkins Corner, the village residential character is comprised largely of individual historic farmhouse configurations in which building mass varies in orientation from being parallel to being perpendicular to the street. To maintain this sense of character, new residential forms located upon Village Residential Streets (see Section 16.2) shall follow a similar range of composition including distinct building masses with pitched roofs that frame shared open spaces and whose primary architectural facade is oriented to the primary public street, regardless of the orientation of the building mass.
- 16.421 A critical component to building upon and enhancing the character of Atkins Corners on Commercial Streets (see Section 16.2) is ensuring the physical definition and emphasis of street corners with future development components.

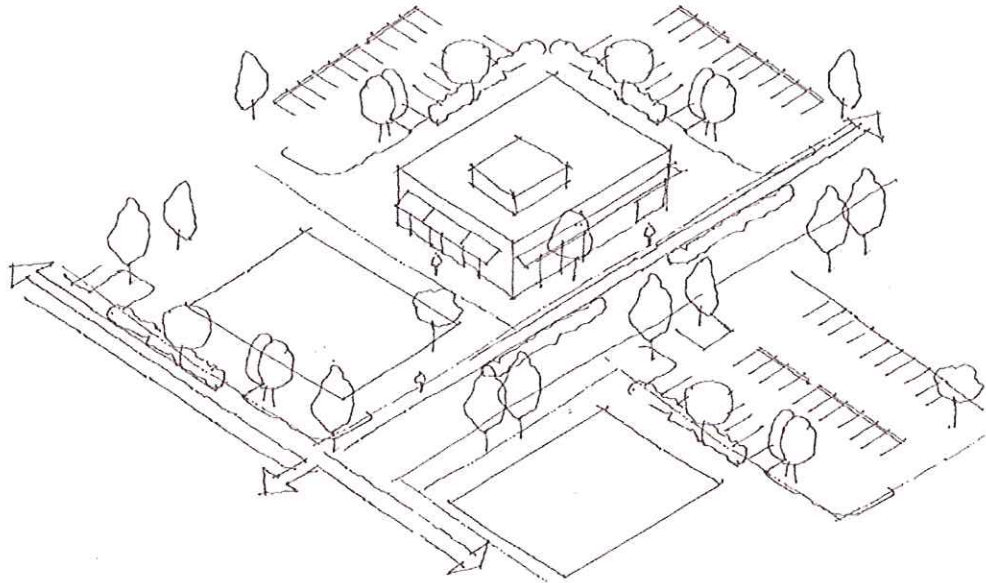
16.4210 New buildings and building features shall define street corners and anchor the building on the site through architectural articulation or variation in building massing, form or roof. Parking areas shall not be placed at street corners and prominent intersections. Continuous pedestrian circulation shall reinforce the definition of corners and provide safe pedestrian crossing at streets. Landscaping and street trees shall be used to reinforce the importance of the corner, frame views and screen parking areas. See illustration below.



- 16.4211 Alternatively, corners may be defined by the void between buildings. This space shall be used as a public entry plaza for buildings and pedestrian circulation into the site. Although the corner is open, the buildings shall be configured to define a continuous street edge and the edges of the corner open space. See illustration below.



16.4212 New development and redevelopment in Atkins Corner shall place parking and loading areas to the side or rear of buildings and away from prominent corners or street frontages. Parking and loading areas shall be buffered with landscaping. Pedestrian circulation shall be continuous and uninterrupted along streets and providing access to building entries and all parking areas. Buildings shall be arranged to form consistent street frontages and define street edges and alignments. See illustration below.



16.422 The landscape features at Atkins Corners shall be used as an opportunity to differentiate the character of the village center with an emphasis on agricultural landscape, types of plantings and layouts (for example a grove of apple trees), and mixed hardwoods appropriate to the habitats and microclimates of South Amherst. New landscaping shall incorporate a substantial portion of its landscape materials into an agricultural theme that is appropriate to the site and to the heritage of Atkins Corners.

16.43 Additional Development Standards for Educational Form Overlay District (ED-F)

The following development standards for sites and buildings are specific to the Educational Form Overlay District (ED-F) and are not applicable to other FBD. The development standards that follow, in this Sub-section 16.43 and the standards outlined in Sub-section 16.42 Atkins Corners shall be the only standards of Section 16.4 that shall apply to the Educational Form Overlay District (ED-F):

16.430 The ED-F zone shall provide a consistent treatment of the street, street edge, landscape buffer, sidewalks, pedestrian and bicycle connections as is required in the adjacent Atkins Corners (AC) Form-Based District. A continuous uninterrupted sidewalk shall be provided at the street making connections to adjoining properties and crosswalks to improve connectivity along public ways for pedestrians in Atkins Corners.

## SECTION 16.5 PUBLIC AND PRIVATE OPEN SPACE TYPES

The goal for the combined size of all public and private open space types located in the Form-Based Districts (FBD) is at least 5% of the total acreage of the district.

- 16.50 Open Space Types – Specific public and private open space types are allowed within the FBD as identified by Table 16.5.0 and are intended for the gathering of people for passive or active recreation, entertainment, or organized and communal activities. The types of open spaces shall comply with the design standards in Figure 16.5.1 below and the Town of Amherst Landscaping Guidelines.

Table 16.5.0- Public and Private Open Space Types						
<i>Open Space Types</i>	<i>Suggested Frontage On At Least:</i>	<i>Typical Lot Size</i>	<i>NAVC</i>	<i>AC</i>	<i>R-VF</i>	<i>ED-F</i>
Park	1 street	0.5 to no max.	X	X	X	NOT APPLICABLE
Green	2 streets	0.5 to 5 acres	X	X		
Square/Plaza	1 streets	0.5 to 2 acres	X	X		
Playground	0 streets	0.1 to 1 acres	X	X	X	
Community Garden	0 streets	0.1 to 1 acres	X	X	X	
Yards and Private Open Space	Variable	Variable	X	X	X	

- 16.51 Civic and Open Space Design – Public and private open spaces shall be designed, landscaped, and furnished to be consistent with the character of the district in which they are located. Street frontage arrangement of each type of civic space is illustrated in the Figure 16.5.1 Public and Private Open Space Types below.
- 16.510 Civic spaces and buildings shall be designed to physically express their prominence and community orientation.
- 16.511 Civic Building Lots are usually sited adjoining or surrounded by civic open spaces or they provide a visual landmark by being placed at the axial termination of a street (see Public and Private Open Space Type diagrams in Figure 16.5.1 below).
- 16.512 In order to provide greater flexibility in building types and to allow more distinctive architectural expression, Civic Building Lots do not have mandatory frontage percentages or street yard standards.
- 16.52 Squares and Plazas Standards – Squares and plazas shall be located so that building walls facing the open space shall have at least 25% of the overall façade in transparent windows, and at least 40% of the ground floor façade in transparent windows.
- 16.520 All landscape elements and plant selections shall be consistent with the Town of Amherst Landscaping Guidelines.
- 16.53 Open Space Requirements
- 16.530 Individual property owners shall be required to dedicate 5% of their lot to civic or open space in one of the types identified in Figure 16.5.1 Public and Private Open Space Types for residential lots, forecourts, courtyards, community/common gardens and private yards are eligible types of civic and open spaces. For commercial and mixed use lots, Outdoor Activity Zones located in the streetyard and sideyard setback areas are eligible types of civic and open spaces.

16.531 Two or more property owners within a FBD may create a joint civic or open space as long as the dedicated space is accessible to the public and amounts to a minimum of 5% of the land area of all the properties involved.

16.54 Mill River Corridor (MRC)

All land within 75 feet of the crest of the bank of the Mill River Corridor (MRC) falls within the Flood-Prone Conservancy (FPC) District, and the full extent of that district from the eastern boundary of the Route 116 right-of-way to the eastern boundary of the Mill River Recreation Area property shall for the purposes of this Bylaw be considered to be the River Corridor (MRC). Permitted primary uses allowed in the FPC are defined in Article 3 – Section 3.3 Use Classification and Standards, and permitted accessory uses are defined in Article 5 – Accessory Uses of this Bylaw. The Mill River Corridor bisects the North Amherst Village Center (NAVC) and serves as a buffer to adjacent development, stormwater management areas, natural conservation area, and partial recreation area.

The planning goal for the MRC in the North Amherst Village Center is to integrate the corridor with adjacent compatible uses while protecting its natural qualities and value in flood control and stormwater treatment.

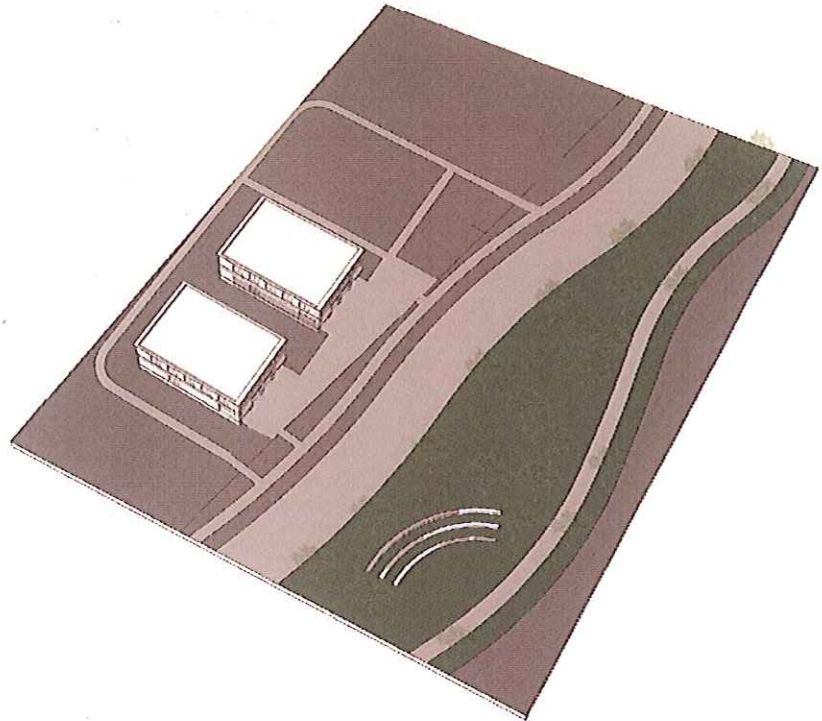
In lieu of the on-site private open space requirement in Section 16.53 above, property owners and development applicants that are contiguous to the MRC may seek approval under Section 16.9 Administration – Alternative Compliance from the Permit Granting Body by securing land within the MRC and providing appropriate public open space amenities in the form of civic facilities, trails or recreational equipment that are beneficial to the North Amherst Village Center as well as accessible to the general public.

## FIGURE 16.5.1 - PUBLIC AND PRIVATE OPEN SPACE TYPES

### Park

A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape shall consist of paths and trails, meadows, woodland and open shelters, all naturalistically disposed. Parks in the FBD are likely to be lineal, following the natural corridor along water courses. The linear park should connect to surrounding neighborhoods and civic centers.

#### Character Examples:

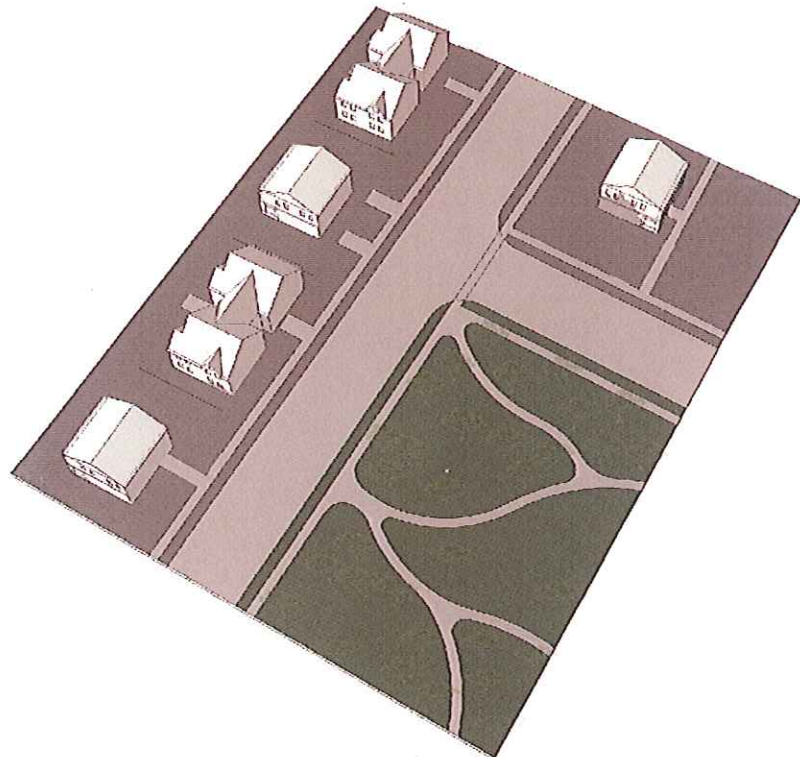
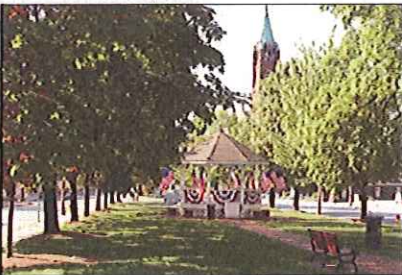


The illustrations of Figure 16.5.1 represent one possible solution, exact conditions may vary; proposals shall meet the intent shown.

### Green

An open space, available for unstructured recreation. A green or common may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed.

#### Character Examples:



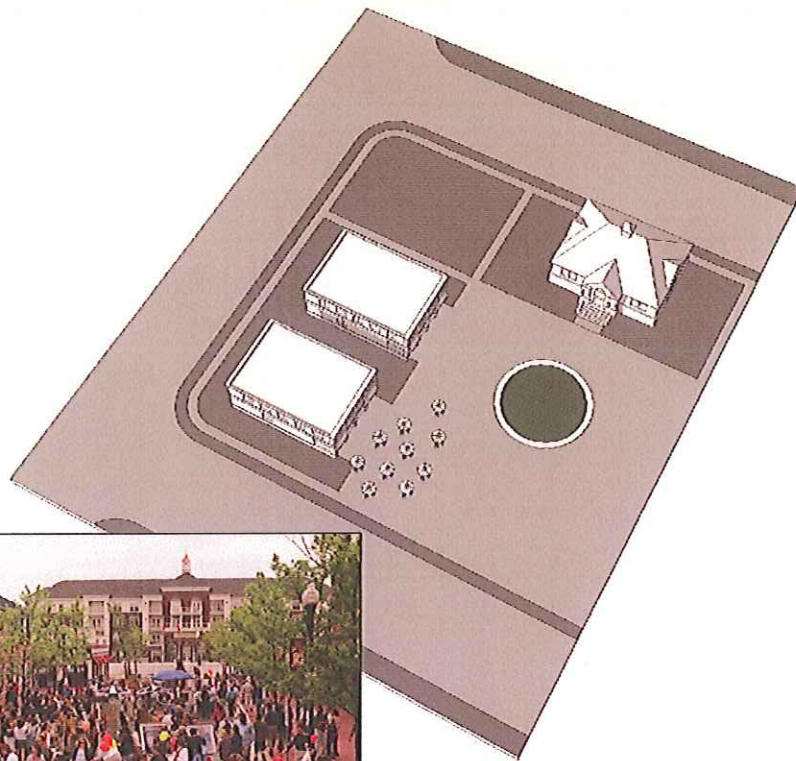
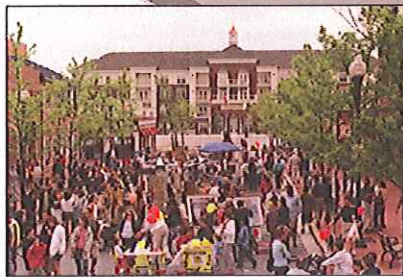
The illustrations of Figure 16.5.1 represent one possible solution, exact conditions may vary; proposals shall meet the intent shown.

FIGURE 16.5.1 - PUBLIC AND PRIVATE OPEN SPACE TYPES

### Square/Plaza

An open space, available for civic purposes and commercial activities. A plaza should be spatially defined by building frontages. Its landscape should consist primarily of hard surfaces such as brick or concrete pavers. Its landscape may consist of paths, lawns and trees, formally disposed. Plazas should be located at the intersection of important streets.

#### Character Examples:

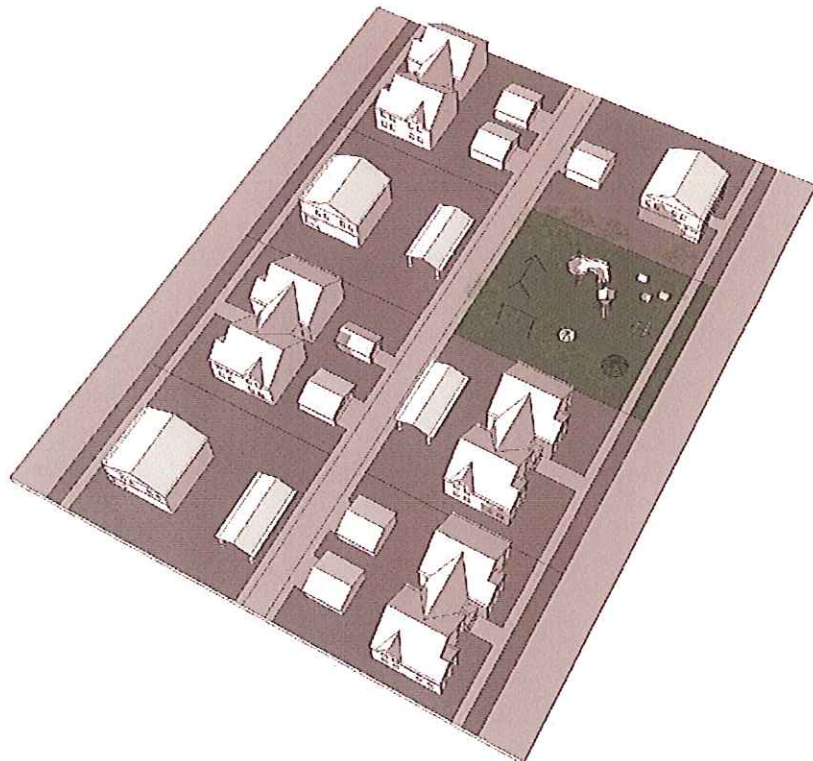


The illustrations of Figure 16.5.1 represent one possible solution, exact conditions may vary; proposals shall meet the intent shown.

### Playground

An open space designed and equipped for the recreation of children. A playground should have a perimeter fence to enhance safety where necessary and may include an open shelter. Playgrounds should be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens.

#### Character Examples:



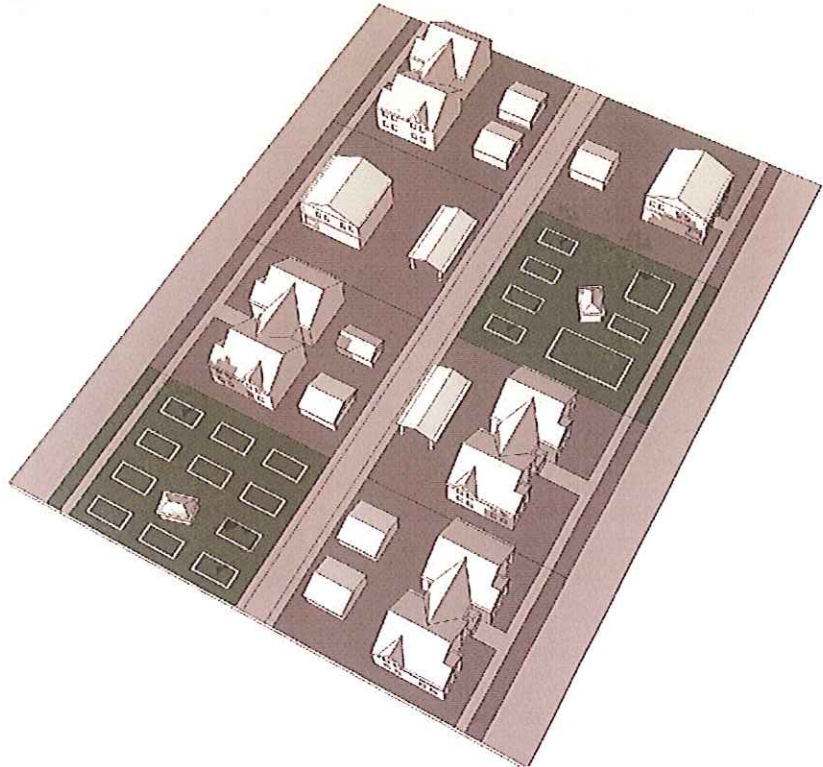
The illustrations of Figure 16.5.1 represent one possible solution, exact conditions may vary; proposals shall meet the intent shown.

FIGURE 16.5.1 - PUBLIC AND PRIVATE OPEN SPACE TYPES

### Community Garden

A grouping of garden plots available to nearby residents for small-scale cultivation.

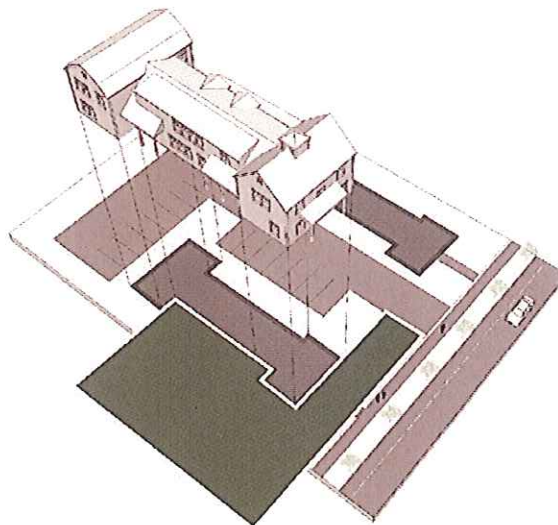
#### Character Examples:



The illustrations of Figure 16.5.1 represent one possible solution, exact conditions may vary; proposals shall meet the intent shown.

### Yards and Private Open Space

Private open space and the configuration of other site features, such as parking, should be coordinated with adjacent properties to create shared access and larger open spaces whenever possible. For example, residential multi-family site plans should alternate open space and parking orientations to combine open space features and parking resources.



The illustrations of Figure 16.5.1 represent one possible solution, exact conditions may vary; proposals shall meet the intent shown.

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SECTION 16.6 NON-CONFORMING LOTS, USES AND STRUCTURES

## 16.60 Purpose

The purpose of this section is to establish regulations for the continued existence of uses and structures in Form-Based Districts (FBD) established prior to the effective date of Article 16 that do not conform to the provisions of Article 16. Where the provisions of this section conflict with Article 9 - Non-conforming Lots, Uses and Structures, this section shall apply.

## 16.61 Non-conforming Uses

16.610 Authority to Continue – Any non-conforming lots, uses and structure existing in the FBD prior to the date of adoption of this section may be continued so long as it remains otherwise lawful, subject to the provisions below.

16.611 Ordinary Repair and Maintenance – Normal maintenance, repairs and installation or relocation of non-bearing walls may be performed on any structure that is devoted in whole or in part to a non-conforming use; provided, however, that this section shall not be deemed to authorize any violation of the subsections below.

16.612 Expansions/Extensions – A non-conforming use shall not be extended, expanded, enlarged or increased in size, footprint or coverage without approval by the Board of Appeals under Article 9 of this Bylaw.

16.613 Change in Use – A non-conforming use may be changed to a more conforming use with approval by the Board of Appeals if the use is found to be more conforming.

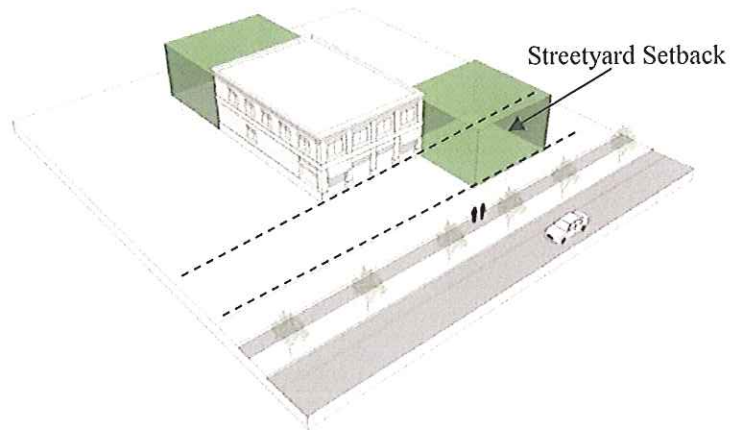
16.614 Abandonment or Discontinuance – A non-conforming use which has been discontinued or abandoned for twenty-four (24) consecutive months shall not be re-established and any future use shall conform to the regulations of this bylaw.

## 16.62 Non-conforming Structures

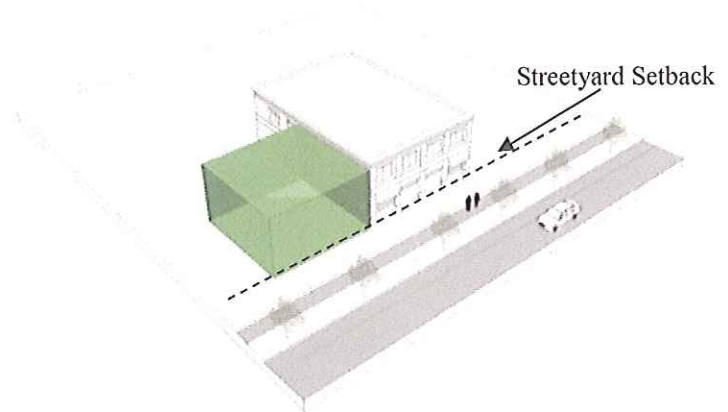
16.620 Enlargement, Repair, Alterations – Non-conforming structures may be enlarged, maintained, repaired or altered by the Permit Granting Body under Section 16.901 provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional non-conformity or increase the degree of the existing non-conformity of all or any part of such structure.

16.621 Permitted Additions – Where a non-conforming structure is being expanded under Section 16.620, the streetyard setback area requirement shall apply as set forth below:

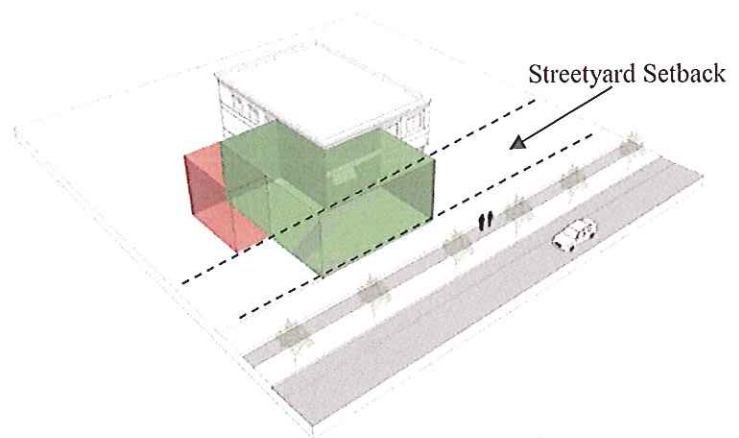
1. Front and Rear Additions – Any addition in front of the existing building shall be placed within the streetyard setback area. Rear additions shall be allowed where the extension is not increasing the degree of the existing nonconformity



2. Side Additions – Any addition to the side of the building shall be placed within the streetyard setback area.

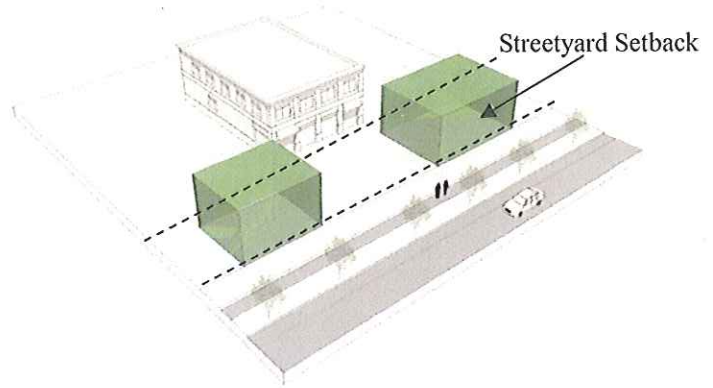


3. Additions Outside of the Sideyard Setback Area – Any addition to the side of the building shall be placed within the streetyard setback area.

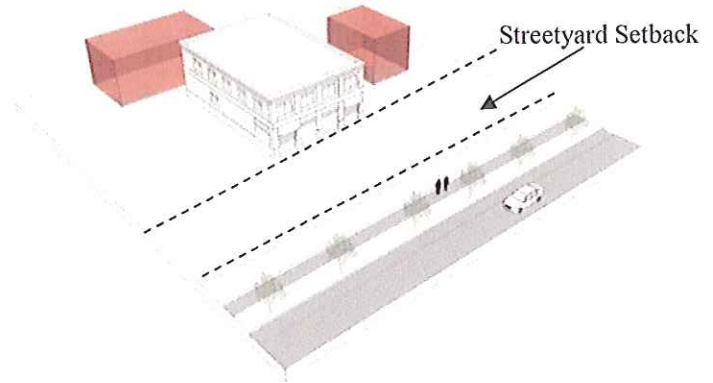


16.63 Permitted New Buildings – Where a new building is being constructed on a site with a non-conforming structure, the streetyard setback area shall apply as set forth below:

1. All new buildings must be placed within the streetyard setback area until the maximum setback requirement for the site has been met.



2. New buildings outside of the maximum streetyard setback shall only be permitted by Special Permit under Section 16.9.



## SECTION 16.7 OFF-STREET PARKING AND ACCESS STANDARDS

The following off-street parking and access standards are applicable to all Form-Based Districts (FBD), except where specifically identified. These standards are not applicable to the Village Form Residence Overlay District (R-VF) and Education Form Overlay District (ED-F).

- 16.70 General Access and Circulation Standards – Parking and circulation shall be designed to meet realistic demands within the FBD while maximizing pedestrian safety, ease in traffic flow, access/egress, minimizing the need for impervious surfaces, and maintaining the visual character of the property and adjacent areas.
- 16.71 Table of Required Parking Spaces – Where on-site or controlled parking is necessary and required, the applicant shall provide the required number of spaces as prescribed in Table 16.7.0 below. The required number of spaces shall be interpreted as both the minimum and maximum number of parking spaces allowed. These parking requirements supersede the requirements of Article 7 – Parking & Access Regulations recognizing the desired mixed use characteristics of the FBD. Parking waivers, modifications, or expansions may be permitted by the Permit Granting Body or Special Permit Granting Authority under the provisions of Section 7.90.
- 16.710 Non-Defined Parking – Where uses and parking requirements are not defined in Table 16.7.0, the applicant shall provide an amount equal to the required spaces under Article 7.
- 16.711 Fractional Spaces – When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one half (1/2) shall be disregarded and any fraction of one half (1/2) or greater shall be counted as one (1) required space.
- 16.712 Change of Use – A permitted use can be changed to another permitted use, and any permitted principal or accessory use can be intensified, without increasing the required off-street parking requirements of Table 16.7.0, provided that as of the date of adoption of this ordinance, there is no increase in gross square footage of the building.

Table 16.7.0 – Parking Standards		
Type Of Use	Required Parking for Individual Use	Mixed Use Shared Parking Reduction Factor
<u>Residential Uses</u>		
Accessory dwelling or Live/Work Unit	1.5 spaces per dwelling unit	
Single Family Attached or Multi-family dwelling (buildings with 3 or more dwellings)	2.0 spaces per dwelling unit plus 1 guest space for every 10 units	
Assisted Living Facilities	1 space per unit plus 1 guest space per every 10 units	
<u>Lodging</u>		
Inn (12 or less guest rooms)	1 space per guest room and 1 space for the operator	
Hotel	1 space per guest room or suite and 1 space per managers unit; Banquet and meeting rooms shall provide 6 spaces per 1,000 square feet of seating area; restaurants are figured separately.	

(Source: SmartCode 9.2)

The effective amount of parking needed for each site where shared parking is proposed is determined by dividing the sum of the two amounts in column to the left (Required Parking for Individual Use) by the Reduction Factor above.

<u>Office</u>	
General offices	2 spaces per 1,000 square feet of net office space
Medical or dental offices	4 spaces per 1,000 square feet of net office space
Service businesses (financial and personal)	3 spaces per 1,000 square feet of net office space
<u>Retail And Service</u>	
Retail business uses	2.5 spaces per 1,000 square feet of gross floor area
Restaurant, café, bar, and other eating and drinking establishments	10 spaces per 1,000 square feet of gross floor area

Example:

5 MF Dwelling Units = 10 spaces required  
+  
2,000 S.F. Office = 4 spaces required

Combined/Share on Multi-Use Building Lot

$(10 + 4)/1.4 = 10$  spaces required

16.72 Expanded Existing Uses – Parking spaces shall be provided for new and/or expanded building areas, and for new and/or expanded outdoor uses, as follows:

16.720 Seventy-five percent (75%) of the spaces required under Article 7, Section 7.0 for all uses other than residential dwelling units.

16.721 Parking space requirements for additional residential dwelling units shall be one parking space per bedroom for one and two bedroom units and two parking spaces for units with three or more bedrooms for all dwelling units in the building.

16.73 Parking Reduction Methods

16.730 Off-Site Parking Credit – Parking requirements may be reduced by up to fifty percent (50%) with a Special Permit by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw if an off-street public parking lot of 20 spaces or more exists within 300 feet of the principal land use, and the public parking lot has ample spaces available to serve the immediate area as determined by a survey of peak hour occupancy and usage. If this rule cannot be met, the applicant can secure private off-site parking within 400 feet of the site by ownership or lease with another landowner.

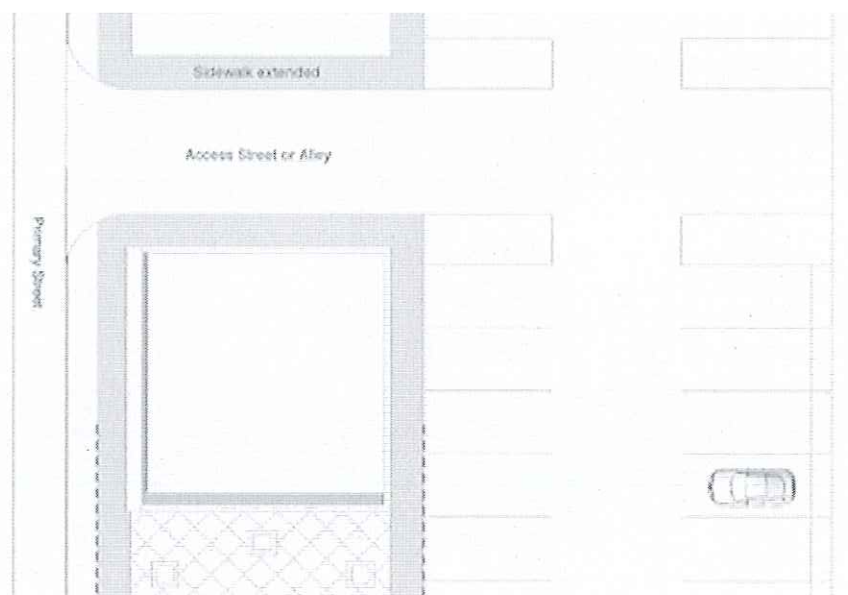
16.731 On-Street Parking Credit – All non-residential properties located adjacent to a public right-of-way where on-street parking is located may receive credit for one off-street parking stall for each 20 linear feet of abutting right-of-way for parallel parking. This provision shall be applied for on-street parking on the same side of the street as the proposed or existing land use, or on the opposite side of the street if the property on that side of the street does not have the potential for future development. In considering credit for on-street parking, all fractional spaces are rounded down.

16.732 Traffic Circulation Improvement and Reduction Incentives – For existing building and use expansions, the Special Permit Granting Authority authorized to act under the applicable section of this bylaw may issue a Special Permit providing relief from required parking where the applicant:

1. Permanently eliminates and/or significantly reduces the width of existing curbcuts in a manner that improves the through flow of traffic on a Primary Street; or
2. Provides a perpetual agreement for one or more driveway consolidations or interconnections that will alleviate traffic on a Primary Street and facilitate shared use of off-street parking.

## 16.74 Parking Placement and Access

- 16.740 Off-Street Parking Placement – Surface parking shall be located behind the Streetyard Setback and behind or to the side of the primary building. By Special Permit from the Special Permit Granting Authority authorized to act under the applicable section of this bylaw, off-street surface parking may be allowed in front of the primary building front elevation line if located a minimum of twenty (20) from the street line, and screened with sufficient landscaping. In this case, the portion of the parking lot located in front of the primary building shall be limited to one (1) double row of vehicles and associated parking aisle.



**Figure 16.7.1 – Off-Street Parking Placement and Access**

- 16.741 Number of Curb Cuts – New curb cuts on public ways in the FBD shall be minimized. No more than one curb cut on Primary Streets shall be allowed for any lot. For traffic safety and to maintain traffic flow, no new curb cuts shall be permitted on Primary Streets within 100 feet of any intersecting public street.
- 16.742 Driveways – Driveway design, location and construction in the FBD shall be consistent with the requirements of Section 7.7 Access Requirements & Driveways.
- 16.743 Loading Areas – Access to a lot for the purposes of delivery or loading shall be provided through one of the following methods:
1. Through the same driveway serving occupants and customers of the lot or premises;
  2. Through existing side or rear streets and access points thus avoiding the Primary Streets; or
  3. Through designated public loading spaces on-street or in existing municipal lots.
- 16.744 Residential Access and Vehicle Storage – If rear access is not provided, a front or side driveway is permitted for Residential Lot Types with the following requirements:
1. Detached garages shall always be located in the rear of the lot.

2. All walls of attached garages shall be at least 20 feet behind the principal plane of the dwelling unit's primary facade.
3. Garage doors shall face the side or the rear of the lot rather than the streetyard. Where space does not permit a side or rear-facing garage door, front-facing garage doors may be provided but each door shall not exceed 10 feet in width.
4. Driveways shall serve as access to a minimum of three (3) dwelling units.

#### 16.75 Parking Facility Design Standards

16.750 Surface Parking Lot Design Standards – The parking design standards in Article 7, Section 7.1 of this Zoning Bylaw shall apply in the FBD unless specifically addressed in this section including the following provisions:

1. Storage – Required off-street parking areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind, nor shall areas devoted to such activities count toward meeting off-street parking requirements.
2. Lighting – If artificially lighted, such lighting shall be so designed and arranged that light is directed away from any adjoining property used or zoned for residential purposes and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind.
3. Pervious Parking Materials – Turf grid systems, pervious pavers, gravel and similar parking materials are allowed for supplemental parking areas where excess parking is necessary on a temporary basis in addition to required parking in the FBD. Some specific applications may include places of worship, parks and recreation facilities, or public and private schools. Off-street parking facilities surfaced with pervious materials may be allowed by Special Permit from the Special Permit Granting Authority authorized to act under the applicable section of this bylaw as an alternative to impervious materials on required parking areas under the following conditions:
  1. Driveway aprons from a Primary Street shall be an acceptable impervious material for the first 20 feet;
  2. Parking surfaces shall be so maintained such that the pervious material does not constitute a nuisance by virtue of its appearance or condition and is graded in a level condition; and
  3. Selected materials shall comply with the drainage requirements for stormwater runoff set forth in the Amherst Subdivision Regulations.

16.751 Parking Structures – Parking structures such as parking decks and parking garages may contain up to three (3) levels of parking above grade and may contain other uses above the parking levels provided the entire building does not exceed the height allowed by Table 3, Article 6 of this bylaw.

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SECTION 16.8 LANDSCAPING, SCREENING AND LIGHTING STANDARDS

- 16.80 Purpose and Intent – In any permit proceeding, consideration shall be given to the possibilities for enhancement and improvements to landscape design and pedestrian amenities. At a minimum, the applicant shall propose a landscape design that may include, but is not limited to: planting of trees; benches; sidewalks or other pedestrian paths; doorways, porches, terraces, landscaped areas and entries that provide transition for and bridge the gap between public and private space; and orient parking and building lighting that is appropriate in style and design to the desired character of the Form-Based Districts (FBD). All landscape elements and plant selections shall be consistent with the Town of Amherst Landscaping Guidelines.
- 16.81 Public Frontage Landscaping Requirements
- 16.810 Street Trees – As specified in Table 16.2.0 Street Types and illustrated in Figure 16.2.1 Street Types, the public frontage shall include trees planted in a spacing pattern as described of varied species with shade canopies of a height that, at maturity, clears three stories, but remains predominantly clear of building frontages. The introduced landscape shall consist primarily of durable species tolerant of salt and soil compaction.
- 16.82 Private Frontage Landscaping Requirements
- 16.820 Existing Trees – Existing significant trees and shrubs shall be maintained.
- 16.821 Visibility – No plantings shall obscure site entrance and exit drives and road intersections or impair visibility of existing commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor.
- 16.822 Non-Residential Lots – Street yard landscape is not required if front setback is zero. When the front setback is greater than zero, those portions of the street yard not occupied by pedestrian amenities and public spaces shall be landscaped. Street trees are required if front setback is greater than ten (10) feet.
- 16.823 Residential Lots – Private Frontage landscaping shall be required for all residential properties for the first ten (10) feet back from the front property boundary. In addition to natural vegetation that is retained, Private Frontage on residential lots shall be landscaped with a combination of indigenous grasses, trees and shrubs commonly found in Central Massachusetts.
- 16.824 Street Trees – One deciduous tree with 3” minimum caliper shall be planted within the front setback for every 30 feet of frontage of property if front setback is greater than 10 feet. Trees in paved areas shall have a minimum 25 square feet of permeable area for growth. Trees in islands shall have a minimum of 50 square feet of permeable area for growth. All landscaped areas shall be continuously maintained, irrigated, and fertilized. Plant materials shall be organically maintained.
- 16.83 Parking Lot Landscaping – In addition to the Landscape Standards in Article 7, Section 7.11 for parking lots, the following supplemental standards shall apply in the FBD:
- 16.830 Shade Trees – One 3” minimum caliper low water use, low maintenance canopy tree shall be provided for every 10 linear feet. Trees shall be maintained and irrigated and planted within at least 50 square feet of permeable area. Existing trees located in the interior of lots shall be credited towards this requirement.

- 16.831 Buffering – Interior planting beds shall be continuous to allow for maximum plant bed size and constructed as rain gardens to control storm water. No landscaped island shall be less than 6 feet wide.
  - 16.832 Landscaping of Pre-existing Parking Lots – Upon the expansion of an existing parking lot containing 20 or more parking spaces and/or an alteration of a structure, or a change or extension of a use which increases the parking requirements by 5 or more spaces according to the standards of Section 16.7, the entire existing parking lot shall be brought into compliance with this section.
  - 16.833 Coordination – Landscaping of private parking lot and other lot features shall be compatible with the streetscape design elements of the public frontages.
- 16.84 Storage Areas
- 16.840 Exposed storage areas, machinery, garbage “dumpsters,” service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets using plantings, fences and other methods. Shared use and designated areas for clustered garbage dumpsters shall be required.
  - 16.841 Garbage dumpsters shall be fully screened on 3 sides with solid walls a minimum of six (6) feet high with a solid front gate, six feet high, which shall be kept, closed. Trash compacters shall be enclosed to minimize noise.
- 16.85 Lighting Standards – Outdoor site lighting shall primarily be used to provide safety, while secondarily accenting key architectural elements and emphasizing landscape features. Light fixtures shall be designed as an integral element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed to illuminate any portion of a site shall meet the following requirements:
- 16.850 General Standards – Lighting shall complement a building’s architecture through shadowing, highlighting, and flooding. Appropriate lumens or foot-candles shall be evaluated to provide these effects without overwhelming the building or site. Light fixtures shall be compatible to the style of the building and may include: attached or detached; soffit; up light or down light; and tree lighting.
  - 16.851 Streetscape Lighting Placement – The placement of streetscape lighting fixtures shall be in a consistent pattern to provide sufficient light levels within the public streetscape area and private streetyard. Lighting placement within the streetyard shall be designed as an extension of the public streetscape and as a complementary element of landscaping and building design.
  - 16.852 Prohibited Light Sources – The following light fixtures and sources shall not be used where the direct light emitted is visible from adjacent areas:
    - 1. Low-pressure sodium and mercury vapor light sources;
    - 2. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
    - 3. Searchlights and other high-intensity narrow-beam fixtures.
  - 16.853 Luminaire – The light source shall be concealed and shall not be visible from any street right-of-way. Protect adjacent properties by minimizing the intrusion of lighting, including parking lot and building exterior lighting, through the use of full cut-off luminaires light shields, or similar solutions.

- 16.854 Fixture Height – Lighting fixtures shall not exceed 30 feet in height above parking areas. Lighting fixtures shall not be less than 9 feet or more than 15 feet in height above the sidewalk in pedestrian areas.
- 16.855 Limit Lighting to Periods of Activity – Lighting shall use sensor technologies, timers or other means to activate lighting during times when it will be needed. All site lighting, including architectural, sign and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of residents, employees and visitors.
- 16.856 Security Lighting – Security fixtures shall not be substituted for parking area or walkway lighting and are restricted to loading, storage, service and similar locations.
- 16.857 Accent Lighting – Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see.
- 16.858 Entrances and Exits – All entrances and exits to buildings used for nonresidential or mixed use purposes and open to the general public, and all entrances in multifamily residential buildings shall be adequately lighted to ensure the safety of persons and the security of the building.
- 16.859 Commercial Parking Area Lighting – All commercial parking areas shall provide lighting for both pedestrian areas and parking areas during nighttime hours of operation.

16.86 Fences

- 16.860 Residential Lots – Fencing on residential lots shall conform with the following:
1. Prohibited Finish Materials: Plastic, chain link, barbed wire and razor wire fencing.
  2. Fences, garden walls or hedges shall be used along all un-built property lines that abut streets and alleys to conceal parking, service and storage areas.
  3. Fences, garden walls or hedges shall be used in side yards (behind the front plane of the primary structure) and rear yards.
  4. Finish Materials: Wood (termite resistant) painted/stained, wrought iron, brick, stone or stucco.
  5. No fence, hedge or wall in the Streetyard shall exceed a height of 3 ½ feet and shall be semi-opaque;
  6. In the side and rear yards, fence heights are not to exceed 6 feet (8 feet when abutting a nonresidential district) from the grade plane.
- 16.861 Commercial and Mixed Use Lots – Fencing shall be used to define rear or side property lines, the boundaries of a parking area, or to screen dumpsters or machinery from view. Property owners shall use plantings and landscaping to define outdoor spaces.
1. Traditional fencing materials such as wood, granite or stone, iron or alternatives to wrought or cast iron fencing such as black steel or aluminum fencing shall be used. Fencing shall be compatible with the materials, proportions and styles of the existing buildings on the site.
  2. The height and style of the fence shall also relate to its location on the site with taller, solid fencing at the rear of the site and lower and more open fencing at the front. Vinyl and chain link fencing are prohibited.

3. No fence, hedge or wall in the Streetyard shall exceed a height of 3 ½ feet and shall be semi-opaque; in the side and rear yards, fence heights are not to exceed 6 feet from the grade plane.
- 16.87 Sustainable Design and Development Standards – Development within the FBD shall incorporate sustainable and best management practices into building, site, and infrastructure development. All new construction shall reflect environmentally responsible design and construction practices.
- 16.870 Low Impact Development (LID) – LID Best Management Practices shall be used for all driveways, parking and other disturbed areas to preserve natural features on site, reduce impervious surfaces, and to utilize natural features for source control and stormwater management. Existing and native materials shall be incorporated into the landscape design. To minimize water consumption, low water vegetative ground cover (other than turf) shall be used.
- 16.871 Building Solar Orientation and Design – The massing and orientation of all buildings shall not negatively impact solar access to neighboring properties, particularly allowing sun during winter to properties immediately to the north.
1. Buildings shall be of a size and orientation to minimize the occlusion of sunlight on public spaces, such as sidewalks.
  2. Windows shall be oriented to make the best use of passive solar.
  3. The primary roof plane shall face close to solar south, to allow for installation or retrofit with solar panels.
  4. Gable roofs and shorter buildings may be more appropriate on the south sides of a street while gable end roofs and taller buildings may be more suited for the north side.
- 16.872 Green roofs on larger footprint flat roofed commercial buildings shall be installed to reduce stormwater runoff, all roof drains shall be recharged into the site with the use of structural and/or non-structural low impact development drainage systems.
- 16.873 LID lot layout applications shall integrate hydrology and stormwater management into site design using existing conditions to influence the location and layout of access roads, buildings, and parking areas. Buildings and roadways shall be placed in areas less sensitive to disturbance, and the stormwater management system design shall create a symbiotic relationship between the development and natural hydrology.
- 16.874 Filter strips, bands of densely vegetated slopes, shall be incorporated into roadway and parking lot designs.
- 16.875 Vegetated Swales (Bioswales), broad, shallow channels designed to convey and infiltrate stormwater runoff, shall be incorporated into site design and stormwater management strategies.
- 16.876 Rain Gardens (Bioretention Cells), vegetated depressions that store and infiltrate runoff, shall be incorporated into roadway, parking lot designs and stormwater management strategies. Rain gardens shall use an engineered soil, which maximizes infiltration and pollutant removal while avoiding stormwater ponding for longer than 24 hours.
- 16.877 Subsurface Retention Facilities (Stormwater Vaults) shall be used for development projects that would otherwise require an amount of surface stormwater retention that is not possible to accommodate due to limited open space.
- 16.878 Downspout Redirection, Rain Barrels and Cisterns – Roof stormwater runoff shall be redirected onto pervious surfaces, most commonly a lawn. Alternatively, rain barrels shall be placed outside of a building at roof downspouts to collect and store rooftop runoff, which can later be reused for lawn and garden watering.

- 16.879 Stormwater Planters – Runoff from streets shall be channeled into street tree wells and landscaping planters to reduce volumes and pollutants reaching the public sewer system while serving to irrigate streetscape vegetation. These LID stormwater structures shall be sized to treat the stormwater from frequent, low-intensity storms for water quality and infiltrate into the planting ground. Stormwater planters shall be used for public and private streets.
- 16.8710 Natural Landscaping and Xeriscaping™, landscaping with plants native to area climate and soil conditions, shall be used to minimize the need for irrigation systems and improve planting longevity. Plant selections for the new landscape designs shall consider knowledge of the site conditions and plant materials shall be selected for their form, color, and texture, as well as solar, soil, and moisture requirements. Plants that do well in various microclimates on a site are considered "site appropriate." Native plants (vegetation that grows naturally in particular climates or regions) shall be used because of their performance, site enhancement, and life cycle cost benefits.
- 16.8711 Solar Powered Lighting and Equipment – Solar energy shall be used to power low level lighting on private development sites and for public parking collection systems as an alternative to individual meters.
- 16.8712 Other Energy Conservation Opportunities – Other opportunities to improve energy efficiency and protect the environment as future growth occurs shall be considered in the design of projects, such as: green walls, increased building insulation (i.e., R-26 and triple-glazed windows), Energy Star rated appliances, EcoStar Program (shared recycling streams between park tenants), dual-flush and waterless toilets, ultra-efficient heat and hot water systems, improved building air seal (i.e., taped sheathing), greywater systems, geothermal energy, or other innovative techniques.
- 16.8713 All stormwater management designs and techniques must be certified by a Massachusetts registered professional engineer or landscape architect with stormwater management expertise and must submit a proposed maintenance schedule for each technique, identifying the timing of inspections and the maintenance activities that will be taken such as removing debris from inlet boxes, replacing filters, pumping out accumulated sediment, mechanical sweeping, etc.
- 16.8714 Site fill and the associated impacts of such fill on existing native vegetation and trees shall be minimized by using the natural topography as an integral feature in the site design.

16.88 Utilities and Services

- 16.880 Utilities – Existing above ground utility lines and poles shall be buried underground, or moved behind buildings. All new electrical and communication utilities in the FBD shall be placed underground.
- 16.881 Mechanical Utilities – Mechanical equipment, whether ground level or rooftop shall be screened from view of adjacent properties and public rights-of-way and designed to be an integral part of the building.

## SECTION 16.9 ADMINISTRATION

The following administration procedures are applicable to all Form-Based Districts (FBD), except where specifically modified.

## 16.90 General Administration

16.900 To ensure the effectiveness of the FBD in promoting the purposes of the Amherst Master Plan and this bylaw, Section 16.9 supplements development review processes and design standards in other sections of the Zoning Bylaw. Article 10 – Special Permit Granting Authority and Article 11 – Administration and Enforcement of this Zoning Bylaw shall continue to apply to FBD. However, where there are differences between this and other sections of the Zoning Bylaw, and where expressly identified or described herein, this section shall control.

16.901 The Permit Granting Board or Special Permit Granting Authority identified in Section 3.3 and in Section 10.3 of this Zoning Bylaw shall also serve as the Permit Granting Body under the standards and requirements of Article 16, and such other requirements of this bylaw as may be applicable. The Permit Granting Body shall grant no modification or alternative compliance to the requirements of this section which would amount to an amendment of this Bylaw.

## 16.91 Alternative Compliance

In order to encourage creativity, diversity, and best practices for public and private design and development in the FBD, the Permit Granting Body may waive, modify or vary standards as set forth in Article 16. The granting of any alternative compliance waiver, modification, or variance shall be based upon a finding by the Permit Granting Body that the proposed alternative meets all of the following criteria:

- (1) It is generally consistent with the *Amherst Master Plan, Section 2 – Goals & Policies, C. Key Directions for the Community* regarding village centers as a focus for the community's economic life, cultural vigor and social activity.
- (2) It is in accordance with the purposes established under Section 16.00 of this Bylaw, in Sections 16.000 through 16.005, inclusive.
- (3) It is consistent with two or more of the following community goals and objectives: (a) provides for diverse additional housing meeting the needs of the community and the surrounding center or neighborhoods, with an emphasis on affordable housing; (b) spurs significant economic investment; (c) expands existing cultural facilities or creates new facilities; (d) promotes a vital and compatible mix of uses; and (e) generates improvements to the public realm (parks, streetscapes, and public squares).
- (4) It is in accordance with the applicable standards and criteria established in Sections 16.910 through 16.916 hereafter:

16.910 Two or More Primary Uses and Buildings on a Lot – The Permit Granting Body may allow more than one primary use and structure on a single lot in FBD as an exception to Section 3.01 of this Bylaw. In order for additional primary uses and structures to obtain approval, the applicant shall provide the Permit Granting Body with sufficient evidence that all proposed uses and structures comply with

the purpose statement in Section 16.0 as well as one or more of the alternative compliance criteria below:

1. The primary uses and buildings are complementary to one another, and are individually permitted in the FBD by right, site plan review or special permit. This excludes any use existing illegally or as a non-conforming use.
2. All uses within two hundred (200) feet of the proposed primary uses and buildings site have similar characteristics including intensity of lot usage, hours, noise level, amount of traffic, number of employees, size of structure and other distinguishing factors.
3. The combination of primary uses and structures shall not be detrimental to other uses within the FBD or to the adjoining land uses.
4. The alternative provides new local business development opportunities.
5. The alternative provides housing where appropriate and provides an appropriate mix of affordability levels and life cycle opportunities.

16.911 Street Types – The Permit Granting Body may allow for alternative forms of Street Types and requirements set forth in Section 16.2 where such relief complies with the Statement of Public Purpose in Section 16.0 as well as one or more of the alternative compliance criteria below:

1. The alternative remains consistent with the Intent and Criteria from Section 16.2 that are associated with the most similar street type for which it is proposed as an alternative.
2. Where it is determined that the modifications or alternatives are consistent and compatible with the street design standards in the Amherst Subdivision Regulations.
3. The alternative maintains or improves pedestrian access, streetscape treatments, and open spaces.
4. The alternative eliminates or minimizes curbcuts and driveways.

16.912 Building Types and Site Standards – Alternative Building and Site Types – An applicant may propose alternative building and site types to the Permit Granting Body which shall decide whether to accept, modify, or reject such additional building types during the site plan approval process. If additional building types are proposed, comparable dimensional requirements shall also be proposed. The Permit Granting Body may provide relief from Building and Site Development Standards as set forth in Sections 16.3 and 16.4 when such relief complies with the Statement of Public Purpose in Section 16.0 as well as one or more of the alternative compliance criteria below:

1. The alternative remains consistent with the Intent and Criteria from Section 16.3 that are associated with the most similar street type for which it is proposed as an alternative.

2. Alternative alignment of a building improves the appearance and visibility to the public, or where necessary to accommodate store entrances, sidewalk cafes, and public spaces required pursuant to the provisions of this section.
  3. Alternative designs shall not create significant interruption of the alignment of any sidewalk constructed on public or private property or will not otherwise interfere with pedestrian access.
  4. Where design alterations result from compliance with the Americans with Disabilities Act (ADA) requirements. Ramping shall be located primarily on the side of the building as opposed to directly in front of the building. Where ramping is necessary in front of the building, it shall be designed to also provide an attractive and inviting space for pedestrians such as outdoor dining and sitting areas, or integrated with landscaped terraces.
  5. The alternative provides for or supports mixed use development where appropriate.
  6. The alternative provides for shared access and parking.
  7. The alternative ensures new development is in accord with existing neighborhood character.
- 16.913 Public and Private Open Space Types – The Permit Granting Body may allow for alternative forms of Public and Private Open Space Types and requirements set forth in Section 16.5 where such relief complies with the Statement of Public Purpose in Section 16.0 as well as one or more of the alternative compliance criteria below:
1. The alternative remains consistent with the Intent and Criteria from Section 16.4 that are associated with the most similar street type for which it is proposed as an alternative.
  2. A comparable amount of public open space is located within 300 feet and readily accessible by walking.
  3. The alternative protects critical conservation lands or farmlands.
  4. The alternative allows for more day-to-day interactions among residents.
  5. The alternative attracts more visitors to the district while enhancing Amherst's growing tourism industry.
- 16.914 Dead-End Streets – Dead-end streets are not permitted except where specially authorized by the Permit Granting Body, and where such relief complies with the Statement of Public Purpose in Section 16.0 as well as one or more of the alternative compliance criteria below:
1. Physical conditions such as highways, sensitive natural resources, or unusual topography provide no connection alternatives.
  2. Dead-end streets shall be constructed according to the Access Street design standards as prescribed in Section 16.2.

3. Dead-end streets shall be design as a closed looped or cul-de-sac with an interior open space which shall be landscaped and accessible to adjoining lots.
4. The dead-end street shall provide pedestrian connectivity to the maximum extent practicable.

16.915 Protruding Building Elements – The Permit Granting Body may provide alternative compliance from the streetyard setback for awnings, marquees, balconies, galleries, arcades, projecting signs, and other protruding building elements as identified in Section 16.3 where such relief complies with the Statement of Public Purpose in Section 16.0 as well as the alternative compliance criteria below:

1. The alternative better accommodates and enhances specific site conditions, such as building entrances, parking areas, sidewalks and trails.

16.916 Public Frontage Landscaping and Lighting – Within the public frontages, the Permit Granting Body may grant relief from landscaping, screening, lighting, and fencing requirements under Section 16.8 where such relief complies with the Statement of Public Purpose in Section 16.0 as well as the alternative compliance criteria below:

1. The alternative better accommodates and enhances specific site conditions, such as building entrances, parking areas, sidewalks and trails.

## ATTACHMENT B – FORM-BASED ZONING AMENDMENT

### ARTICLE 1 PURPOSE

This Zoning Bylaw is enacted pursuant to, and under the authority of, Chapter 40A of the General Laws as amended, for the purpose of promoting the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst, and to encourage the most appropriate use of land throughout Amherst. This Zoning Bylaw is in accordance with the recommendations of the Master Plan adopted by the Planning Board and is consistent with the comprehensive plan of the regional planning agency.

### ARTICLE 2 ZONING DISTRICTS

SECTION 2.0	ZONING DISTRICTS
SECTION 2.1	ZONING MAP
SECTION 2.2	BOUNDARY INTERPRETATIONS
SECTION 2.0	ZONING DISTRICTS

For the purpose of this Bylaw, the Town of Amherst is hereby divided into the following classes of zoning districts:

#### 2.01 Residential Districts

The purpose of all residential zones is to promote a suitable environment for residential life through the provision of recreational, religious and educational facilities as basic elements of a balanced neighborhood, to stabilize and protect the essential characteristics of existing residential development, and to foster development that is compatible with the other natural and built characteristics of the area.

##### R-LD Low Density Residence

The purpose of the R-LD District is to provide for residential areas that allow limited development, while providing protection for environmentally sensitive areas, agricultural resources, and other similar lands. To this end, this is the lowest density residential district.

##### R-F Fraternity Residence

The purpose of the R-F District is to provide for residential areas dedicated to the specific residential requirements of fraternities, sororities and similar residential facilities associated with educational institutions. To this end, uses other than sororities, fraternities and the like are restricted in this district.

##### R-O Outlying Residence

The purpose of the R-O District is to provide for lower density residential areas. In general, the R-O District is intended to be a transitional area between the low density R-LD District and medium density R-N District.

##### R-N Neighborhood Residence

The purpose of the R-N District is to provide for residential areas of medium densities. In general, the R-N District is appropriate for lands adjacent to higher density residential districts, near arterial or primary residential streets, or in areas transitional between the lower density districts and other districts.

##### R-VC Village Center Residence

The purpose of the R-VC District is to provide for residential neighborhoods, within and adjacent to village centers, that are of medium densities and that allow a limited mix of residential and office uses. The R-VC is, in general, intended to provide for a transition between the Business Village Center District and surrounding residential districts.

## R-G General Residence

The purpose of the R-G District is to provide for residential neighborhoods of medium to higher density in areas both near the Town Center and between the University and the Town Center. Such areas are convenient to the services, facilities, institutions and/or employment opportunities provided in the Town Center or by the University.

## PURD Planned Unit Residential Development

The purpose of the PURD District is to provide for a mixture of housing types and open space, with variations in dimensional requirements, in appropriate areas within the Town, at greater densities than would otherwise be allowed by the underlying zoning. The PURD is an overlay district. The requirements of this District are intended to encourage design of creative development, protection of the natural resources, and compatibility with surrounding areas.

## 2.02 Business Districts

### B-G General Business

The purpose of the B-G District is to provide for a mixed use area, of high density, containing a wide variety of commercial, office, residential, institutional, civic, and cultural uses. To this end, it is intended that this district be applied within the Town Center of Amherst.

### B-VC Village Center Business

The purpose of the B-VC District is to provide areas within the village centers of Amherst that allow for a mix of uses, including retail, commercial, office and housing of moderate to high density.

### B-N Neighborhood Business

The purpose of the B-N District is to provide for areas of mixed use and moderate density to serve as small centers providing goods and services within or near residential neighborhoods, or as a transitional zone between more densely-developed business areas and residential neighborhoods.

### B-L Limited Business

The purpose of the B-L District is to provide areas for moderate density, office, commercial and multifamily developments. It is intended to be located in transitional areas between high density business districts and high density residential districts or in appropriate areas along arterial or primary roads.

### OP Office Park

The purpose of the OP District is to provide areas for office and limited research activities. To this end, the standards and regulations are intended to limit the types of uses and to provide for a clean, open and quiet environment that will not adversely impact adjoining residential areas.

### COM Commercial

The purpose of the COM District is to provide areas for a wide range of retail uses and services and commercial activities in appropriate locations along primary roads within the Town.

## 2.03 Industrial/Research Park Districts

### PRP Professional and Research Park

The purpose of the PRP District is to provide an open and attractive environment for office, research and low intensity industrial activities. The standards and regulations are intended to limit development to those activities that are non-commercial in nature and that operate in a clean and quiet manner.

## LI Light Industrial

The purpose of the LI District is to provide areas for certain light manufacturing, warehousing, wholesaling and similar activities.

## R&D Research & Development

The R&D District is an overlay district intended to modify the regulations in underlying business and industrial/research park districts in order to facilitate research and development and testing uses and to provide specific additional regulations with regard to such uses.

## 2.04 Special Districts

### ED Educational

ED zoning allows any use of land and buildings which may legally be carried on by, or under the auspices of, the college or university which owns or manages the property. It is intended that the Educational District only include land which is owned or managed by Amherst College, Hampshire College, or the University of Massachusetts.

### MP Municipal Parking

The MP District is an overlay district intended to include selected areas of the downtown General Business (B-G) District and abutting General Residence (R-G) District. Within the MP District, a wide range of permitted retail, service, commercial and residential uses shall be exempted from the requirement to provide off-street parking spaces. It is the policy of the Town of Amherst to encourage dense multi-use development in its Town Center. Toward that end, provision of off-street parking is not required for selected uses within the MP District.

### DR Design Review

The DR District is an overlay district intended to include the General Business (B-G) District, and the abutting Limited Business (B-L) districts. The purpose of the DR District is to support the success and vitality of Amherst's Town Center by assuring that the historic character, aesthetic character, and functional quality of the design of Town Center buildings and sites are protected and enhanced. The DR District corresponds to those areas where the exterior design of new development or alterations requiring permits is subject to review by the Design Review Board.

### TCDR Town Common Design Review

The TCDR District is an overlay district intended to include the Amherst Town Common and sites within 150 feet of the Common greenspace as measured from the outside edges of the curbs bordering the three sections of the Common, including parking lots and interior roadways. The purpose of the TCDR District is to protect and enhance of the design of the historic Town Common and that of the surrounding buildings and landscapes. The TCDR District corresponds to those areas where the exterior design of new development or alteration on or within the vicinity of the Town Common is subject to review by the Design Review Board.

### NAVC North Amherst Village Center

*The purpose of the NAVC District is to provide areas within the village center of North Amherst that allow for a mix of uses, including retail, commercial, office, civic and housing of moderate to high density, including frontage zones indicating specific emphasis in terms of the relative mix of uses, as well as form-based standards controlling the form and pattern of future development including, and in relationship to, public streets and open spaces. The NAVC District is intended to create a compact, walkable, mixed use village center primarily serving its inhabitants as well as residents in the surrounding neighborhoods and adjacent communities.*

### AC Atkins Corners

*The purpose of the AC District is to provide areas within the village of Atkins Corners that allow for a mix of uses, including retail, commercial, office, civic and housing of moderate to high density, including form-based*

*standards controlling the form and pattern of future development including, and in relationship to, public streets and open spaces. The AC District is intended to create a compact, walkable, mixed use village center primarily serving its inhabitants as well as residents in the surrounding neighborhoods, Hampshire College, and adjacent communities to the south.*

#### ***R-VF Village Form Residence Overlay District***

*The R-VF is an overlay district, configured to include, and intended to protect those residential properties adjacent to and contiguous with the NAVC and AC districts in terms of the prevailing residential development patterns and building forms as applied to expansion and replacement of existing dwellings. To this end, the Form-Based District (FBD) standards apply as defined in Article 16.*

#### ***ED-F Educational Form Overlay District***

*The ED-F is an overlay district, configured to include, and intended to create a transitional area for properties owned by institutions of higher education and in the Educational District that are adjacent to and contiguous with the AC along West Bay Road and West Street in terms of existing and intended development patterns and building forms. To this end, the Form-Based District (FBD) standards apply as defined in Article 16.*

### **2.05 Resource Protection Districts**

#### **FPC Flood-Prone Conservancy**

The FPC District consists of those geographical areas which by virtue of their relationship to components of the natural hydrology of the Town of Amherst, have substantial importance to the protection of life and property against the hazards of floods, erosion, and pollution and in general are essential to the public health, safety, and welfare. To this end, the number and types of uses allowed are restricted.

#### **WP Watershed Protection**

The WP District is an overlay district intended to provide additional protection to those lands which by virtue of their location, slope and soils, make up the watersheds of the public water supply.

#### **ARP Aquifer Recharge Protection**

The ARP District is an overlay district intended to provide additional protection to those lands, which by virtue of their location, slope, soils, subsurficial geology and water tables, constitute the recharge area for Zones I, II and III of the public water supply wells of the Town of Amherst within the Lawrence Swamp Aquifer.

#### **FC Farmland Conservation**

The FC District is an overlay district, configured to include, and intended to protect those lands which, by virtue of their soils, acreage, location adjacent to and contiguous with other farm land, and lack of protection under existing underlying zoning, comprise the critical farmland of the Town of Amherst.

## ATTACHMENT C1A – FORM-BASED ZONING AMENDMENT

### ARTICLE 3 USE REGULATIONS

#### SECTION 3.2 SPECIAL DISTRICTS

##### 3.21 Educational District (ED)

- 3.211 In an Educational District any use of land and buildings is permitted which may legally be carried on by, or under the auspices of the College or University which owns or manages the property in said District provided that the appropriate officials shall file with the Planning Board, for its information, plot plans of any new construction or significant change in use at least 60 days prior to initiation of said construction or change.
- 3.212 It is intended that the Zoning Map shall include in Educational Districts only land which is in fact owned or managed by Amherst College, Hampshire College, or the University of Massachusetts (but not all such land will necessarily be so zoned).
- 3.213 All setbacks, side and rear yards and heights within 50 feet of the boundary of an Educational District shall conform to the *corresponding* dimensional regulations applicable to *of the immediately adjacent zoning district(s). In the Educational Form (ED-F) Overlay District, all applicable regulations of the adjacent form-based zoning district(s) shall apply.*
- 3.214 Within an Educational District, adequate off street parking shall be provided so that neither curb parking on public streets nor parking on property outside the Educational District shall be needed in connection with uses within the Educational District.
- 3.215 For wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

## ATTACHMENT C1B – FORM-BASED ZONING AMENDMENT

### ARTICLE 3 USE REGULATIONS

SECTION 3.0	PROHIBITED USES - ALL DISTRICTS
SECTION 3.1	RESTRICTED USES - ALL DISTRICTS
SECTION 3.2	SPECIAL DISTRICTS
SECTION 3.3	USE CLASSIFICATION AND STANDARDS
SECTION 3.0	PROHIBITED USES - ALL DISTRICTS

- 3.01 The development or operation on a single lot of more than one dwelling or more than one of the Principal Uses described in Section 3.3 is expressly prohibited except where the Principal Uses are clearly complementary to each other, or where otherwise provided by this Bylaw *and in Article 16 – Form Based Zoning*.
- 3.02 Trailer camps, billboards and all open air storage of junk, including inoperable automobiles and all uses which are excessively obnoxious or injurious to their neighborhood or to all property in the vicinity are expressly prohibited in all zoning districts in the Town. Inoperable automobiles and other materials related thereto stored in an auto salvage yard operating under an approved Special Permit shall not be considered junk under this Section.

**ATTACHMENT C - FORM-BASED REZONING  
AMHERST ZONING BYLAW SECTION 3.3: USE CLASSIFICATION**

Town of Amherst, MA

**NOTES:**

- Y = Yes. The use is permitted by right in that Zoning District  
 N = No. The use is not permitted in that Zoning District  
 SPR = The use is permitted by right with a Site Plan Review (See Section 11.2) <sup>1</sup>  
 SP = The use is permitted with a Special Permit, by the Zoning Board of Appeals (See Section 10.3)  
 SPP = The use is permitted with a Special Permit, by the Planning Board (See Section 10.3)  
 ( ) = The use, if located within the Aquifer Recharge Protection District (ARP) shall be subject to the code designation within the parenthesis.

Bylaw Number	SECTION	Land Use Classifications EXTENSIVE USES	Standards & Conditions															Zoning Districts																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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Any structure shall be accessory to the operation of the outdoor recreation activities.  
*In the NAVC and AC Districts, outdoor recreational activities shall include playground, sports fields, skating rinks, theater, swimming pools, fitness courses, trails and similar facility for the purpose of passive and active recreational activities. Miniature golf and batting cages shall not be permitted.*

Bylaw Number	Land Use Classifications	Standards & Conditions														
		R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC

Any use proposed under this section shall abide by all applicable local, state, and federal regulations governing environmental, flood-related, structural, and safety aspects of the proposed use and its associated structures and site alterations, and all applicable permits governing dams and surface water impoundments shall be obtained and maintained as current. Failure to abide by said regulations or to obtain and keep current all required permits shall result in the voiding of any permit issued under this section and shall be considered a violation under Section 11.4 of this Bylaw.

3.317	Commercial greenhouse	SP	SP	N	N	N	SP	SP	SP	N	SP	N	SP	N	N	SPR	SPR
<b>SECTION 3.32</b>		See Article 4 for Cluster Development, Planned Unit Residential Development and Open Space Community Development.															
<b>RESIDENTIAL USES</b>																	

3.320	One family detached dwelling	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N
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3.321	Two family detached dwelling	SP (N)	SP (N)	SPR	SPR	N	N	N	N	SPR	N	N	N	N	N	N	N
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In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a new two-family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two-family detached dwelling is created.

3.322	Town House	N	N	SP	SP	N	SPR	SP	SP	SP	N	N	N	N	N	SP	SP
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Each building shall be separated from other such buildings by a minimum of twenty (20) feet, and have no more than ten (10) dwelling units.

The building(s) shall be connected with the public sewer system prior to occupancy, and its lot, if in a Residence District, shall fall within one of the following areas: 1) areas close to heavily traveled streets; 2) areas close to business, commercial, and educational districts; or 3) areas already developed for multi-family use.

*In the NAVC District, the following provisions shall apply: 1) town houses are not permitted on the portion of any lot fronting on Sunderland Road to a depth of 100 feet, 2) town house developments proposed on Cows Road are not intended to occupy significant continuous segments of street frontage to the exclusion of other uses, but instead to contribute to a village center streetscape composed of and providing a balanced mix of diverse uses, 3) town houses shall include a balanced mix of 1-bedroom, 2-bedroom, and 3-bedroom unit types.*

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Board or Special Permit Granting Authority, shall be included as an integral part of any application made under this section. All dimensional regulations in Article 6 shall be observed. In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.

3.323	Apartments	N	N	SP	SP	N	SPR	SP	SP	SP	N	N	N	N	N	SP	SP
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The site or lot upon which one or more apartment buildings are proposed shall be located: 1) close to a heavily traveled street or streets; 2) close to a business, commercial or educational district; or 3) in an area already developed for multi-family use.

Each building shall have no fewer than 3, nor more than 24 dwelling units. Each building shall be connected to the public sewer system prior to occupancy. Dimensional regulations in Article 6 shall be observed. In addition, the following requirements shall apply:

District	Add'l Side/Rear Yards	per Floor	Floor Area Ratio	Minimum Landscape or
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R-G 2 ft.

B-I 2 ft.

B-VC 2 ft.

B-N 2 ft.

0.3 40%

NOTE: "Minimum Landscaped or Natural Open Space" shall include (a) those portions of the lot devoted to plantings, including lawns and grass areas (b) wooded land, and pedestrian-oriented paved or unpaved areas devoted to social or recreational use in common by the residents of the building or complex provided that such areas are kept essentially open to the outdoors and are at ground level.

Specifically excluded from this definition are those areas devoted to parking, access, and service drives.

Bylaw Number	Land Use Classifications	Standards & Conditions										
		R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP

*In the NAVC District, the following provisions shall apply: 1) apartments are not permitted on a lot fronting on either side of Sunderland Road to a depth of 100 feet except above the ground floor in combination with commercial uses as allowed for in Section 3.325; 2) apartment developments proposed on Cowsils Road are not intended to occupy significant continuous segments of street frontage to the exclusion of other uses, but instead to contribute to a village center streetscape composed of and providing a balanced mix of diverse uses; 3) apartments shall include a balanced mix of 1-bedroom, 2-bedroom, and 3-bedroom unit types, and may include studio units.*

No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms). A management plan, as defined in terms of form and content in the rules and Regulations adopted by the Permit Granting Board or Special Permit Granting Authority shall be included as an integral part of any application under this section. In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.

3.324 Subdivisible/Converted Dwellings

3.3240 Subdivisible Dwelling (See Section 12.33, Definitions)

1. A subdivisible dwelling shall contain provisions for a specified number of dwelling units not to exceed three in accordance with a Special Permit issued prior to its use as more than a single family dwelling. The total number of dwelling units at any given time may be fewer than, but shall never exceed the maximum number allowed under the Special Permit.

2. A subdivisible dwelling shall meet all zoning requirements applicable to a multi-family dwelling of the maximum number of units allowed under the Special Permit. All requirements of Table 3 (Dimensional Regulations) of Article 6 and parking requirements in Article 7 shall be met at the time of construction.

3. At least one of the dwelling units shall be and shall remain owner-occupied, which requirement shall be made a condition of any Special Permit issued under this section.

4. This use shall not be permitted in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts.

5. Prior to issuing a Special Permit for this use in the **NAVC, AC**, B-G, B-L, B-VC, and B-N districts, the Special Permit Granting Authority shall find that the proposed multiple dwelling use and the non-residential uses, both existing and permitted, in the district will be mutually compatible.

6. A subdivisible dwelling shall be connected to the public sewer. However, the Special Permit Granting Authority may authorize the construction of a two-family subdivisible dwelling on a lot serviced by a septic system approved by the Board of Health for such a dwelling.

7. A management plan as defined in the applicable regulations issued by the Special Permit Granting Authority shall be included as an integral part of any application under this section. The management plan shall be subject to review and resapproval at a public hearing held by said Authority prior to the issuance of a building permit to increase the number of dwelling units within a subdivisible dwelling, which review shall be made a condition of any Special Permit issued under this section. The sole purpose of said review shall be the consideration of any changes in circumstances pertinent to said management plan that have occurred from the time of issuance of the Special Permit or any subsequent review pursuant to this requirement, and the extent to which the management plan should be modified as a result. Notice of hearing shall be provided in accordance with Mass. Gen. Laws, Chapter 40A. In addition to such notice, parties in interest as defined in Chapter 40A shall be provided with a summary of the approved management plan then in effect and any changes proposed thereto.

8. A landscape plan appropriate for the project shall be included in the application.

9. Subdivisible dwellings in the R-O, R-LD, and R-N districts shall provide the following minimum areas of usable open space per dwelling unit on the same lot as said dwelling units, for the use of occupants:

R-N	1,000 sq. ft.
R-O, R-LD	2,000 sq. ft.

10. Provided all other requirements are met, a subdivisible dwelling shall be eligible for subsequent proceedings in accordance with Section 3.3241 (Converted Dwelling) of this bylaw.

11. For a subdivisible dwelling proposed on a lot within a Definitive Subdivision Plan, or on a Subdivision Approval Not Required lot, the Special Permit Granting Authority shall be the Planning Board. For all other subdivisible dwellings, the Special Permit Granting Authority shall be the Zoning Board of Appeals.

3.3241 Converted Dwelling (See Section 12.07, Definitions)

1. An existing residence, a structure attached to an existing residence, or a detached structure, may be converted into a dwelling unit or units provided all other zoning requirements which would apply to converted dwellings are met.

2. A conversion of a structure shall not exceed the total number of dwelling units allowed on the lot. The total number of dwelling units shall not exceed 4 in the R-N, R-O, and R-LD districts and shall not exceed 6 in the **NAVC, AC**, R-VC, R-G, B-G, B-L and B-VC districts. Conversion in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts shall not be permitted.

Bylaw Number	Land Use Classifications										Standards & Conditions					AC
	R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC	

3.	In the <b>NAVC, AC, B-L, B-VC</b> and <b>B-N</b> districts, the Zoning Board of Appeals shall issue a Special Permit in accordance with the provisions of this section only after finding the subject parcel in the nonresidential district would not be adversely affected by the multiple dwelling use and that the uses permitted in the district would not be noxious to the multiple dwelling use.																
		N	N	SP	N	N	SPR	SPR	SPR	SPR	N	N	N	N	SPR	SPR	
4.	There shall be no significant change in the exterior of the building, except that the Zoning Board of Appeals may authorize modification or alteration of a building if such modification or alteration does not substantially change the building's character or its effect on the neighborhood or on property in the vicinity. Demolition of the existing structure proposed for conversion shall not be permitted.																
5.	The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Zoning Board of Appeals. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use; or b) be from one to two units, one of which shall be and shall remain owner-occupied, which shall be made a condition of any Special Permit issued in such an instance.																
6.	The dwelling units shall be connected to the public sewer. However, the Zoning Board of Appeals may authorize, with the approval of the Board of Health, the conversion of a structure to allow an increase from one dwelling unit to two dwelling units on a lot serviced by a septic system.																
7.	The Zoning Board of Appeals may modify the dimensional requirements of Table 3, to, one time only for any parcel, allow a conversion under Section 3.3241 that would add one additional unit, only if it finds the modification would be in accordance with the provisions of Section 9.22.																
8.	No detached structure shall be converted under the provisions of Section 3.3241, unless it has an exterior footprint of at least 500 square feet.																
9.	A management plan as defined in the Rules and Regulations adopted by the Zoning Board of Appeals, shall be included as an integral part of any application.																
10.	A landscape plan appropriate for the project shall be included in the application.																
11.	Converted dwellings in the <b>R-O</b> and the <b>R-LD</b> districts shall provide a minimum of 2,000 sq. ft. of usable open space per dwelling unit for the use of occupants. Converted dwellings in the <b>R-N</b> district shall provide a minimum of 1,000 sq. ft. of usable open space per dwelling unit.																

3.325	Building containing dwelling units in combination with stores or other permitted business or commercial uses.	N	N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	SPR	N	N	N	SPR	SPR

3.326	Fraternity or Sorority building, social dormitory, or similar use related to Amherst College, Hampshire College, or the University of Massachusetts.	N	N	N	N	SP	N	N	N	N	N	N	N	N	N	N	N	N
<p>The building shall be connected to the public sewer system prior to occupancy. Its lot shall fall within one of the following areas:</p> <p>Areas close to heavily traveled streets; areas close to business, commercial, and educational districts; areas already developed for multifamily use.</p> <p>A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section.</p> <p>The building shall be connected with the public sewer system prior to occupancy. Its lot, if in a residence district, shall fall within one of the following areas: areas close to heavily traveled streets; areas close to business, commercial and educational districts; areas already developed for multifamily use.</p> <p>In the B-N District, only hotel or motel uses with lodging rooms on 2 or more floors shall be permitted.</p>																		
3.327	Overnight lodging	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.327.0	Hotel or Motel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Bylaw Number	Land Use Classifications											Standards & Conditions					
	R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC	AC	

The Zoning Board of Appeals may allow a restaurant as a second Principal use, along with hotel/motel-related retail and consumer services as accessory uses, under a Special Permit for a hotel or motel.

A management plan, as defined in terms of form and content by the Rules and Regulations adopted by the Zoning Board of Appeals shall be part of any application made under this section.

3.327.1	Inn	N	N	N	N	N	SPR	SP	SP	SPR	SP	N	N	N	SPR	SPR
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In the COM District, Inns shall be allowed only in those areas which are also within the boundaries of National Historic Register Districts.

The Zoning Board of Appeals may allow a restaurant as a second Principal use, along with inn-related retail and consumer services as accessory uses, under a Special Permit for an inn. A management plan, as defined in terms of form and content by the Rules and Regulations adopted by the Zoning Board of Appeals shall be part of any application made under this section.

3.327.2	Hostel	SP	SP	SP	SP	SPR	SP	SP	SPR	SPR	SP	N	N	N	SP	SP
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The building shall be connected with the public sewer prior to occupancy.

The hostel shall be within easy walking distance of public transportation.

The owner or manager of the hostel shall reside on the premises.

There shall be no separate cooking facilities in guest rooms. Meals may be provided to hostel lodgers and to other persons attending scheduled educational events sponsored by and held at the hostel.

In the R-G, R-N, R-O and R-LD Districts, a hostel may provide up to 20 beds. In all districts where the use is allowed, a minimum of 20 percent of hostel beds shall be in rooms containing 2-4 beds.

Secure bicycle parking and/or storage shall be provided, with a total capacity equal to or exceeding the number of parking spaces required for vehicles.

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Zoning Board of Appeals, shall be part of any application made under this section.

3.328	Congregate housing for the elderly and disabled. (See Section 12.06, Definitions)	N	N	SP	SP	N	N	SP	SP	SP	SP	N	N	N	SP	SP
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The minimum lot area shall be 12,000 sq. ft. or 1,000 sq. ft. multiplied by the number of sleeping rooms, whichever is greater. The building shall be connected with the public sewer system prior to occupancy. Its lot shall fall within one of the following areas: areas close to heavily traveled streets; areas close to business, commercial, and educational districts; areas already developed for multifamily use.

3.329	Lodging or boarding house	N	N	SP	N	SPR	SP	SP	SP	SP	SP	N	N	N	SP	SP
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In the **NAVC, AC, B-VC, B-N, COM** and **R-VC** districts, the Zoning Board of Appeals may grant a Special Permit for a lodging or boarding house, provided it finds that the proposal meets the provisions of Article 7, Section 10.38 and this section. In the **R-VC** District, a lodging or boarding house shall let or sublet no more than a total of 7 rooms.

There shall be no separate cooking facilities. Meals may be provided to lodgers/boarders/roomers, but not to members of the general public not lodged at the establishment.

The owner or manager of the lodging or boarding house shall reside on the premises.

Where a lodging or boarding house is to be located in an existing dwelling, there shall be no substantial change in the exterior of the building.

The building shall be connected to the public sewer prior to occupancy. A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Zoning Board of Appeals shall be part of any application made under this section.

3.3290	Live-Work Use	N	N	SP	N	N	SP	SP	SP	SP	N	N	N	N	SP	SP
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A live-work residential use allows permitted business, professional, trade or micro-industry uses whose employees, customers, clients or patrons visit the premises to co-occur within a single residential structure or within a connected or separate detached structure on the same lot as the residence of the owner(s) or proprietor(s) of the business, profession, or trade and their household. Live-work units or lots uses may be permitted in designated zoning districts provided that the following standards are met:

1. Live-work units or lots shall only contain consist of an one (1) allowed residential use under Section 3.32 co-occurring in combination with an one (1) allowed use under Section 3.31 (Extensive Uses), Section 3.33 (Institutional Uses), Section 3.35 (Retail, Business and Consumer Uses), and Section 3.37 (Research and Industrial Uses). No stand-alone residential or non-residential uses shall be permitted, except that the Special Permit Granting Authority may grant a Special Permit for one (1) additional dwelling unit, where the Authority determines that the unit will be occupied by a household containing one (1) or more employees of the non-residential use.
2. Live-Work units shall only be permitted in structures with street level access
3. A minimum of one person who owns or is the proprietor of a co-occurring workplace the non-residential use shall occupy the live-work unit or lot as their primary place of residence
4. At any given time, the non-residential use shall employ no more than four (4) persons who are not also residents of the premises.

Bylaw Number	Land Use Classifications	Standards & Conditions															
		R-O, R LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC	AC
3.33	INSTITUTIONAL USES																
3.330	Non-profit Uses																
3.330.0	Non-profit educational institution, including any educational use on land owned or leased by the Commonwealth or any of its agencies, subdivisions, or bodies politic, or by a religious sect or denomination.	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
3.330.1	Non-profit human service use.	SP	SP	SP	SP	SP	SPR	SPR	SPR	SP	SPR	SPR	SPR	SP	SP	SP	SP
See Section 2.04 and 3.21																	
Uses under this section may include administrative offices and human service facilities providing services directly to members of the community on or from the premises, including facilities used as staging areas for off-site service delivery and facilities reasonably necessary for the safe, secure, and appropriate operation of the use.																	
A use under this section may offer a wide range of services on or from the premises, including but not limited to, counseling and therapy, training for employment and other life skills, distribution of food and clothing, provision of meals, and/or restrooms/shower facilities.																	
Other uses, such as retail sales, health services, personal care services, or similar uses, may be permitted, but shall be operated in a manner and during such limited hours as to render them clearly accessory and incidental to the principal non-profit human service use.																	
Non-profit human service uses involving overnight shelter or other residential activity shall be regulated under Section 3.336.1.																	
3.331	Kindergarten, day nursery or other agency for the day care of children.	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
3.332	For-profit trade, professional, or other educational institution.	N	N	SP	SP	N	SPR	SPR	SPR	SPR	N	N	SPR (SP)	N	SPR	SPR	SPR
3.333	Church or other place of worship, parish house, rectory, or convent.	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
3.334	Not for profit library or museum.	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
3.335	Public park, playground or other public recreation	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
3.336	Medical or residential institutions.	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
3.360.0	For-profit hospital, sanitarium, nursing, rest or convalescent home, living care community, or other medical or residential facility.	SP	SP	SP	SP	N	SP	SP	SP	SP	N	SP	N	N	N	SP	SP
IN the NAVC and AC Districts, For-profit hospitals and sanitariums are not permitted																	
3.336.1	Philanthropic or charitable medical or residential facility.	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
3.337	Cemetery	SP	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.338	Private lodge or club	SP	SP	SP	SP	SP	SPR	SPR	SPR	SP	N	N	N	N	N	SPR	SPR
A club, civic, social, professional or fraternal organization that is non-profit and is operated for members or employees only, where the chief activity is one not customarily conducted as a gainful business. The organization shall be incorporated for service or charitable purposes under the regulations of the Commonwealth or other applicable authorities, and shall permit long-standing memberships.																	
In the B-N District, if alcohol is served as part of any function conducted or permitted by the organization, the establishment shall be closed by 9:00 p.m.; otherwise, the establishment shall be closed by 11:30 p.m.																	
3.339	Service building or other non-academic facility related to	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Owned or managed by a College or University, but located outside of any Educational District.																	
In the NAVC and AC Districts, uses are limited to services conducted primarily within a building. No outdoor storage or repair facilities are permitted.																	
3.34	GOVERNMENTAL & PUBLIC SERVICE USES																
3.340	Utility Uses																

Bylaw Number	Land Use Classifications	Standards & Conditions														
		R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC

3.340.0 Transformer station or other energy facility or use.

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.

3.340.1 Telephone exchange, radio or TV station, broadcasting facility, recording studio or other communication use.

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.

3.340.2 Wireless communications facility or other similar communications use.

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.

The following standards and conditions shall apply to commercial and public wireless communication uses and facilities:

1. Setback & Height. Towers, antenna support structures and other vertical elements of wireless communication facilities located in a residential district or upon a property abutting a residential use shall be set back from the nearest residential lot line a distance at least equal to their height. In all districts, the height of wireless communication towers shall not exceed 125 feet above the ground. In non-residential districts, the Permit Granting Authority may allow a lesser setback or greater height if such modification provides adequate safety, promotes co-location or improves design, and will not significantly impact the character and appearance of the neighborhood. In making a request for a lesser setback, the manufacturer or qualified licensed designer shall certify that the tower is designed to collapse upon itself in the event of failure. The Permit Granting Authority may also allow lesser setbacks necessary to allow for the use of an existing structure.

2. Design provisions for such facilities shall include, but are not limited to:

- a. No tower shall be used which involves a lattice construction, requires three (3) or more legs and/or requires guy wire supports.
- b. No tower or other facility structure shall contain any signs or other devices for the purpose of advertisement.
- c. The visible portions of support facilities and structures such as vaults, equipment buildings or enclosures and utilities shall be constructed out of and/or finished with non-reflective materials.
- d. All towers, antenna, antenna support structures and similar facilities shall be of neutral colors that are harmonious with, and blend with, the natural features, buildings and structures in the surroundings; provided, however, that such facilities located on the exterior of a building shall be of colors that match and/or blend with those of the building.
- e. All building-mounted facilities shall be designed and located so as to appear to be an integral part of the existing architecture of the building.
- f. All electronic and other related equipment and appurtenances necessary for the operation of any wireless communication facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the siting, design and materials of said structure shall be harmonious with, and blend with, the natural features, buildings and structures in the surroundings.

- g. All satellite dishes shall be of mesh construction, unless technical evidence is submitted demonstrating that this requirement is infeasible. Microwave dishes are exempted from this provision.

- h. All wireless communication facilities shall be protected against unauthorized climbing or other access by the public.

- i. Whenever feasible, design and siting of towers shall avoid the need for application of Federal Aviation Administration (FAA) lighting and painting requirements. Except as required by the FAA, towers shall not be artificially lighted.

- j. Applicants shall submit eight (8) view lines shown in a one (1) mile radius from the site, beginning at true North and continuing clockwise at forty-five (45) degree intervals. Said view lines shall, to the extent feasible, be taken from existing vantage points commonly used by the public, such as public ways, buildings or facilities. The submittal shall include unaltered photographs taken from eye level (5 feet above grade) which show the existing condition of these view lines, as well as accurate scale perspective elevation drawings, computer-altered photographs or other accurate representations showing said view lines with the facility in place.

- k. Landscape plans submitted with the application shall identify all existing vegetation, shall indicate which vegetation is to be retained on-site, and shall show all proposed new vegetation and other landscape treatments.

3. Co-location.

- a. All new wireless communication facilities shall be co-located, to the maximum extent practicable and technologically feasible, with one or more existing wireless communication facilities, towers, buildings or other structures whose height, location and characteristics meet the needs of the proposed facility.

Bylaw Number	Land Use Classifications	Standards & Conditions														
		R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC

b. All new wireless communication towers or support structures shall be designed, to the maximum extent practicable and technologically feasible, for co-location of antennas and other necessary facilities for at least three other wireless communication providers, shall offer space to all other providers at market rates, and shall provide for towers that can be expanded upward. Any Special Permit granted for a new facility under this section may be conditioned upon the written agreement of the facility operator to allow the co-location of other wireless communication providers on commercially reasonable terms.

c. Any applicant proposing not to co-locate their facility or proposing to locate their facility in a residential district shall provide written evidence and documentation demonstrating why it is not feasible for their facility to be co-located with existing facilities or sited in other, non-residential districts.

4. Frequencies. All telecommunications facilities shall be operated only at Federal Communications Commission (FCC) designated frequencies, power levels and standards, including FCC Radio Frequency Emissions standards. The applicant shall provide certification demonstrating that the maximum allowable frequencies, power levels and standards will not be exceeded. Certifications shall include technical specifications, a written explanation of those specifications, and, if necessary, field verification. The Permit Granting Authority may condition any Special Permit granted under this section upon a periodic submittal of certification of compliance with said standards.

5. Repair & Upkeep. All wireless communication facilities shall be maintained in good order and repair. Paint finishes shall be maintained and repaired when blemishes are visible from the property line. The applicant shall provide an inspection schedule, and shall file copies of inspections with the Building Commissioner.

6. License & Permits. The operator of every wireless communication facility shall submit to the Building Commissioner copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of said facility, and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.

7. Removal. All structures associated with a wireless communications use shall be removed within one (1) year of the cessation of said use. If applicable, an annual certification demonstrating continued compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute, including provisions for required maintenance, shall be filed with the Building Commissioner by the permit holder. Prior to the issuance of a building permit for a wireless communications use, the applicant shall post and submit a bond or other financial surety acceptable to the Town in an amount sufficient to cover the cost of demolishing and/or removing the facility in the event the Building Commissioner condemns the property or deems it to have been abandoned or vacant for more than one year. Said amount shall be certified by an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts. In the event the posted amount does not cover the cost of demolition and/or removal, the Town may place a lien upon the property covering the difference in cost.

8. Modifications. The Permit Granting Authority may modify any provision of these standards and conditions if it can be demonstrated that it is technically infeasible to meet said standards or conditions, or that their effect is to prohibit the proposed use throughout the Town, or if such modification will promote use of existing buildings or structures, co-location of wireless communications uses, improve safety or design, or otherwise promote the purposes of this bylaw.

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district

The operation of a taxi or limousine (livery) service shall be considered a principal use regulated under this section of the Bylaw when any of the following conditions are met: 1) passengers are transported from or delivered to the site, or 2) three (3) or more vehicles are physically dispatched from or stored on-site, or; 3) any vehicle carries more than eight (8) passengers, or; 4) on-site activities include ongoing associated vehicle maintenance and repairs.

The operation of taxicab or limousine service may be permitted as an accessory home occupation under the provisions of Section 5.013 when all of the following Conditions are met: 1) on-site activity is limited to dispatch and storage of no more than two (2) vehicles, 2) no vehicle used by the service is capable of carrying more than eight (8) passengers, 3) only occasional minor vehicle maintenance occurs on-site, and 4) no passengers visit the premises.

In the B-N District, If pick-up and drop-off from the site are permitted, the establishment shall be closed by 9:00 p.m. In that district, no more than three (3) vehicles associated with the use shall be kept on-site at any time.

3.341	Airport or heliport	SP (N)	SP (N)	N	N	N	SP	SP	N	N	SP	N	SP	N	N	N	N
3.342	Governmental administration buildings; fire or police station.	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N	SPR	SPR
3.343	Reservoir, pumping station buildings; sewage treatment plant, or water supply use.	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SP	SPR	SPR

Bylaw Number	Land Use Classifications	Standards & Conditions												R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC	AC
3.344	Other governmental use not specifically listed herein.													SP	SP	SP	SP	SP	SP	SPR	SPR	SPR	SPR	SP	SP	SP	SP	SP	SP

*In the NAVC and AC Districts, uses are limited to services conducted primarily within a building. No outdoor storage or repair facilities are permitted.*

### 3.35 RETAIL BUSINESS AND CONSUMER SERVICE USES

#### 3.350 Retail Establishments

Display & sales to be primarily conducted within the building.

In the B-N District, no more than four (4) employees shall be on-site at any time, walk-up facilities are permitted as an accessory use for food retail only, and the establishment shall be closed by 9:00 p.m.

*In the NAVC and AC Districts, no single retail business or establishment (including all retail establishments as defined in Section 3.350), whether located in a single building, combination of buildings, single tenant space and/or combination of tenant spaces, shall exceed 10,000 gross square feet of floor area in the aggregate. New retail establishments and expanded existing retail establishments larger than the square footage stated above may be permitted only with a special permit from the Permit Granting Board subject to the provisions set forth in Sections 10.3 of this bylaw and consistent with the additional standards and conditions set forth below:*

- 1. The new or expanded existing use will maintain a scale of development appropriate to the district.*
- 2. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.*
- 3. The proposed use will serve the village center and surrounding neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.*
- 4. The building in which the use is to be located is designed consistent with the standards set forth in Article 16.0 which respect the scale of development in the district.*

#### 3.350.0 Retail stores

##### 3.350.1 Convenience stores for the sale of prepared and packaged food or beverage.

Display & sales to be primarily conducted within the building.

In the B-N District, no more than four (4) employees shall be on-site at any time, walk-up facilities are permitted as an accessory use for food retail only, and the establishment shall be closed by 9:00 p.m.

##### 3.350.2 Grocery, bakery, deli, butcher shop, fish market, caterer or similar establishment for the production and sale of food and beverage.

Display & sales to be primarily conducted within the building.

In the B-N District, no more than four (4) employees shall be on-site at any time, walk-up facilities are permitted as an accessory use for food retail only, and the establishment shall be closed by 9:00 p.m.

#### 3.351 Personal care establishments.

*In the NAVC and AC Districts, no single personal care establishment (including all personal care establishments as defined in Section 3.351), whether located in a single building, combination of buildings, single tenant space and/or combination of tenant spaces, shall exceed 5,000 gross square feet of floor area in the aggregate. New personal care establishments and expanded existing personal care establishments larger than the square footage stated above may be permitted only with a special permit from the Permit Granting Board subject to the provisions set forth in Sections 10.3 of this bylaw and consistent with the additional standards and conditions set forth below:*

- 1. The new or expanded existing use will maintain a scale of development appropriate to the district.*
- 2. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.*
- 3. The proposed use will serve the village center and surrounding neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.*
- 4. The building in which the use is to be located is designed consistent with the standards set forth in Article 16.0 which respect the scale of development in the district.*

Bylaw Number	Land Use Classifications	Standards & Conditions															
		R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC	AC
3.351.0	Barber or beauty shop, hair salon, tanning salon or similar place for personal care services.	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	SPR	SPR
In the B-N District, no more than four (4) employees shall be on-site at any time, and the establishment shall be closed by 9:00 p.m.																	
3.351.1	Laundry or dry-cleaning shop, or self-service dry-cleaning or laundry.	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	SPR	SPR
In the B-N District, no more than four (4) employees shall be on-site at any time, and the establishment shall be closed by 9:00 p.m. No dry-cleaning shop where the cleaning is conducted on the premises may be operated in the B-N District.																	
3.351.2	Tailor, garment maker, milliner, cobbler, or other shop for the repair or manufacture and sale of clothing or footwear.	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	SPR	SPR
In the B-N District, no more than four (4) employees shall be on-site at any time, and the establishment shall be closed by 9:00 p.m.																	
3.352	Food & Drink Establishments	<p><i>In the NAVC and AC Districts, Food &amp; Drink Establishments under Section 3.352 shall have a maximum gross floor area of 5,000 square feet. New Food &amp; Drink establishments and expanded existing Food &amp; Drink establishments larger than the square footage stated above may be permitted only with a special permit from the Permit Granting Board subject to the provisions set forth in Sections 10.3 of this bylaw and consistent with the additional standards and conditions set forth below:</i></p> <ol style="list-style-type: none"><li><i>The new or expanded existing use will maintain a scale of development appropriate to the district.</i></li><li><i>The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.</i></li><li><i>The proposed use will serve the village center and surrounding neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.</i></li><li><i>The building in which the use is to be located is designed consistent with the standards set forth in Article 16.0 which respect the scale of development in the district.</i></li></ol> <p>For serving food or beverage to persons inside the building, where either: a) no alcohol is served and the establishment is not open after 11:30 p.m., or; b) alcohol is served, the establishment is not open after 11:30 p.m., and any outside wall of that portion of the building occupied by the establishment is located more than 150 feet from any residential dwelling in a Residence district. A management plan, as defined in terms of form and content by the permit granting board or authority, shall be included as an integral part of any application made under this section. The management plan shall address patrons gathered outdoors on the property, including those awaiting entry. Any service of food or beverages outside the building shall be to persons seated at tables for the purpose of outdoor dining.</p> <p>In the B-N District, for a Class I restaurant there shall be no more than a total of 30 seats, both indoor and outdoor. Service of alcohol shall cease at 9:00 p.m., and any outside wall of a building occupied by the establishment shall be located more than 100 feet from any residential dwelling in a Residence district. Walk-up facilities may be permitted as an accessory use in concert with outdoor dining on the premises.</p>															
3.352.0	Class I Restaurant, café, lunchroom, cafeteria or similar place.	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	SPR	SPR
For serving food or beverage to persons inside the building, where: a) no alcohol is served and the establishment is not open after 11:30 p.m., or; b) alcohol is served, the establishment is not open after 11:30 p.m., and any outside wall of that portion of the building occupied by the establishment is located more than 150 feet from any residential dwelling in a Residence district. A management plan, as defined in terms of form and content by the permit granting board or authority, shall be included as an integral part of any application made under this section. The management plan shall address patrons gathered outdoors on the property, including those awaiting entry. Any service of food or beverages outside the building shall be to persons seated at tables for the purpose of outdoor dining.																	
3.352.1	Class II Restaurant or bar	N	N	N	N	N	SP	SP	SP	SP	SP	N	N	N	N	SP	SP
For serving food or beverage to persons inside the building, where: a) the establishment is open after 11:30 p.m. whether alcohol is served or not; or b) regardless of hours of operation, where alcohol is served and any outside wall of that portion of the building occupied by the establishment is located 150 feet or less from any residential dwelling in a Residence district. A management plan, as defined in terms of form and content by the permit granting board or authority, shall be included as an integral part of any application made under this section. The management plan shall address patrons gathered outdoors on the property, including those awaiting entry. Any service of food or beverages outside the building shall be to persons seated at tables for the purpose of outdoor dining.																	
3.352.2	Class III Drive-up restaurant	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N
For serving food or beverages outside the building via a drive-up window or other similar method to persons remaining in their vehicles.																	
3.353	Theater, motion picture house, bowling alley, dance hall, arcade or other indoor commercial amusement or assembly use.	N	N	N	N	N	SP	SP	SP	SP	SP	N	N	N	N	SP	SP

Bylaw Number	Land Use Classifications	Standards & Conditions													
		R-O, R LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC

In the Office Park District to be permitted only if determined to be compatible with the intent of said district and the uses allowable therein; and further that in such district no more than 20% of the area shall be directly related to land uses included in this section, nor shall more than 20% of the net useable floor area allowable in such an area be so used. An arcade is defined as: premises or portions of premises where a party maintains for commercial purpose six or more automatic amusement devices for public or membership use. An automatic amusement device shall mean any game, amusement or test of skill including, but not limited to: pinball machines, football tables, pool tables, electronic games or similar mechanical or electronic devices.

3.354	Funeral establishments	N	N	SP	SP	N	SPR	SP	SP	SP	SPR	N	N	N	N	SP	SP
3.355	Studios & repair shops																
3.355.0	Photographer's studio	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	SPR	SPR
3.355.1	Repair shop for household appliances, radio and television sets, or office equipment.	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	SPR	SPR
3.356	Shop of a bicycle mechanic, printer, blacksmith, builder, carpenter, caterer, electrician, lawnmower mechanic, mason, painter, plumber, roofer or other member of a recognized trade.	N	N	N	N	N	SP	SP	SP	SPR	SPR	N	N	N	N	SPR	SPR

All work and storage to be conducted within a building.

All trades shop operations shall undertake all reasonable measures to prevent noise, vibration, dust, fumes or odors from creating a disturbance or nuisance beyond the limits of the establishment. No operations shall be allowed which are hazardous by reason of potential fire, explosion, radiation or similar hazard.

In the B-N District, there shall be no more than four (4) employees on-site at any given time. No operations shall be allowed prior to 7:00 a.m. or after 7:00 p.m.

3.357	Veterinary establishment, kennel, or place for the boarding of animals.	SP	N (N)	N	N	N	N	SP	N	SP	SPR	N	N	N	N	SP	SP
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In the NAVC, AC and B-N Districts, a veterinary clinic may be operated under the provisions of this section, but no kennel or overnight boarding of animals shall be permitted. There shall be no more than four (4) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

3.358	Office Uses																
3.358.0	Bank, loan agency, real estate, insurance or other business or professional office providing services to the public in person on the premises.	N	N	N	N	N	SPR	SPR	SPR	SP	SPR	SPR	N	N	N	SPR	SPR

In the B-N District, no drive-through facilities shall be permitted. There shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

**In the AC and NAVC Districts, drive-through facilities shall be located to the rear of the primary building.**

3.358.1	Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to the public in person on the premises.	N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SP	SPR	N	SPR	SPR
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For the purposes of this section, the public shall be defined as including all persons acting as customers or clients receiving services. "Predominantly by appointment" shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or annually) shall do so through prior appointment. Exceptions shall be discretionary follow-up visits by customers or clients with regard to services already provided, visits by affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. Office uses under this section shall advertise their on-premises services as being available to the general public only by appointment.

3.358.2	Administrative business office or similar business or professional office not providing services to the general public in person on the premises.	N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N	SPR	SPR
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For the purposes of these sections, the public shall be defined as including all persons acting as customers or clients. Exceptions shall be affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. No office use under this section shall advertise its services as being available to customers and clients on the premises. Services shall be advertised as being available exclusively by telephone, mail, on-line, or other remote means.

Bylaw Number	Land Use Classifications	Standards & Conditions													
		R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC

[For Sections 3.358.1 and 3.358.2, inclusive]

In the B-N District, there shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

In the PRP District, uses under these sections shall be located on parcels served by town water and sewer. Notwithstanding the provisions of footnote f., of Table 3, Dimensional Regulations, when a use under these sections is located on a property adjoining a residential district, a minimum 50-foot uninterrupted vegetated buffer shall be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. When the Special Permit Granting Authority or Permit Granting Board determine that an increased buffer is warranted and the subject property and site layout allow, a vegetated buffer of up to 100 feet in width may be required. Said buffer may include any drives or roadways.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for an office use under Sections 3.358.1 or 3.358.2 providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:

1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.
2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use.
3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.
4. Employs no more than 3 persons (for a Section 3.358.1 office) or 5 persons (Section 3.358.2) who work on-site, other than residents of the property.
5. Where located in an existing dwelling, the residential character of the structure and site shall be maintained.

3.359	Medical or dental laboratory	N	N	N	N	N	N	SPR	SPR	SP	SPR	SPR	SPR	SPR (SP)	N	SP	SP
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In the B-N District, there shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

3.360	Medical Uses																
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3.360.0 Medical office

N N N SP N SPR SPR SPR SP SPR SPR N SP N SPR SPR  
See definition under Article 12. In the R-VC District, a medical office shall be permitted only under a Special Permit as part of a mixed use under Section 3.325, and is not otherwise permitted.

In the B-N District, there shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

3.360.1 Medical group practice

N N N N N SPR SPR SPR SP SPR SPR N N N SP  
See definition under Article 12. In the B-N District, there shall be no more than eight (8) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

3.360.2 Medical center

N N N N N SPR SPR SPR N SPR SPR N N N N  
See definition under Article 12.

3.360.3 Clinic or emergency care facility

N N N N N SPR SPR SPR N SPR SPR N N N N  
An outpatient public health clinic as defined under Article 12.

3.361	Auction gallery for exhibition, sale by auction, so-called "tag sales" and so-called "flea markets".	N	N	N	N	N	N	SPR	N	N	SPR	N	SPR	N	N	SPR	SPR
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3.362 Shop of a potter, ceramist, sculptor, silversmith, jeweler, lapidary, weaver, clockmaker, musical instrument maker, wood carver, graphic artist, leather worker (not including tanning or processing), candlemaker, or similar crafts person.

All work and storage to be conducted within a building.

SECTION	RESEARCH AND INDUSTRIAL USES
3.37	

Bylaw Number	Land Use Classifications	Standards & Conditions															AC
3.370	Warehouse or other enclosed building for the storage, distribution or wholesale marketing of material, merchandise, products or equipment.	R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC	SP

Such use not to be hazardous by reason of potential fire, explosion, or radiation.

*In the AC and NAVC Districts, the following standards and conditions for uses classified under Section 3.372 where permitted shall apply:*

1. *New buildings or expansions of existing buildings shall not exceed a total of 30,000 square feet in gross floor area with a maximum footprint of 20,000 square feet.*
2. *New buildings and expansions to existing buildings, to the degree possible, shall orient the short axis of the building parallel to the street to maintain a building profile that is more consistent with the village centers' traditional scale.*
3. *Where feasible, buildings that have a modular form shall create smaller building masses by off-setting adjacent portions of the building to reduce the bulk of the structure.*
4. *Where feasible, establish a wide landscaped buffer between the street and building to limit views into the site.*
5. *Where feasible, facades facing the street and portions of the building utilized for public access, such as an office or small retail/showcase area, shall be designed to meet the standards under Section 16.3 regarding forms and materials. This portion of the building should be located in the most visible portion of the site where it can function as a frontage building that provides a more traditional village center facade to the public while partially screening other portions of the facility from view.*

3.371	Lumber yard, fuel storage plant, contractor's yard, or other open-air establishment for the primary storage, distribution, or sale at wholesale or retail of merchandise, products or equipment.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP
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Salvage materials not included. See Section 3.02.

3.372

*In the AC and NAVC Districts, the following standards and conditions for uses classified under Section 3.372 where permitted shall apply:*

1. *New buildings or expansions of existing buildings shall not exceed a total of 30,000 square feet in gross floor area with a maximum footprint of 20,000 square feet.*
2. *New buildings and expansions to existing buildings, to the degree possible, shall orient the short axis of the building parallel to the street to maintain a building profile that is more consistent with the village centers' traditional scale.*
3. *A landscaped buffer shall be established between the street and building to limit views into the site.*
4. *Building facades facing the street and portions of the building utilized for public access, such as an office or small retail/showcase area, shall be designed to meet the standards under Section 16.3 Commercial Buildings regarding forms.*

3.372.0 Research and Development or Testing facility

N N N SP N N N SP (SPR\*) SP SPR SPR SPR SPR N SP SP

\* In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals.

Uses under this section shall include research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This shall include but not be limited to activities conducted in laboratory settings. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses under the provisions of Section 5.07.

In the AC, NAVC, B-G, B-L, B-VC, B-N and R-VC districts, the Zoning Board of Appeals may grant a Special Permit for a research and development use, provided that it consists only of office or similar uses and meets the provisions of Section 3.359, Article 7 and Section 10.38. An exception shall be where the B-L District coincides with the R&D overlay district, in which case such a research and development use, similarly limited, shall be permitted through Site Plan Review approval.

Bylaw Number	Land Use Classifications	Standards & Conditions														
		R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC

In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes, or odors that are a nuisance beyond the lot line, and further no operations shall be permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly hazardous by reasons of potential fire, explosion, radiation, or chemical or biological hazard, including hazards resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. No research or testing shall be conducted outdoors unless a Special Permit is granted for this purpose by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw.

3.372.1 Publishing, data processing, light manufacturing, **agricultural processing**, light assembly including computer hardware and software, and scientific products with associated offices and distribution facilities.

N N N SP SP (SPR\*) SP SP SPR SPR SPR N SP SP

In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals.

Uses under this section shall include those which involve the limited light manufacture or production, principally from previously-prepared materials, of finished products or parts. This may include processing, fabrication, assembly, treatment, and packaging of such products as well as incidental storage and distribution of such products and associated offices. These uses may also include the on-site production within enclosed structures of custom goods fabricated principally by hand through the use of hand tools and small-scale mechanical equipment.

***Agricultural processing shall be permitted in the NAVC and AC Districts only. For the purposes of this Bylaw, any slaughterhouse, abattoir, or processing facility for tanning, rendering, or other processing of animals or their by-products shall be permitted only in the Light Industrial (LI) District.***

No mass manufacturing, processing, or fabrication normally conducted under Section 3.372.2 nor any on-premises sale of products shall be permitted in association with uses under this section, except that the on-premises sale of custom-made goods produced by hand manufacturing may be permitted under a Special Permit granted by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for a use under this section, provided that the proposed use consists only of offices or similar uses and meets the provisions of Sections 3.359, Article 7 and Section 10.38. In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes, or odors, that are a nuisance beyond the lot line, and further, no operations shall be permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly hazardous by reason of potential fire, explosion, radiation, or chemical or biological hazard resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. Where permitted, all operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.

3.372.2 Manufacturing, assembly and processing, including associated offices and distribution facilities.

N N N N N N N N N N N N N SP SP N N N

Uses under this section shall include those involving the manufacture, assembly and/or processing, from extracted or raw materials or from previously-prepared materials, of finished materials, products, or parts. These uses may include processing, fabrication, assembly, treatment, and packaging of such products, as well as incidental storage and distribution of such products and associated offices. These uses may involve the production and/or storage of volumes of toxic or hazardous, flammable, or explosive materials under appropriate safeguards and conditions, as determined by the Special Permit Granting Authority under the requirements of this section. The on-premises sale of products shall not be permitted in association with any uses under this section.

In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes or odors; that are a nuisance beyond the lot line, and further, no operations shall be permitted which the Permit Granting Board determines to be unduly hazardous by reason of potential fire, explosion, radiation, or chemical or biological hazard resulting from the use, production, or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. Where permitted, all operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.

3.373 Removal of soil, sod, loam, sand, gravel, rock, quarried stone, or other earth products.

SP (N) SP (N) N N N N N N N N N N N SP SP SP N N N

Any Special Permit under this section issued by the Zoning Board of Appeals shall be subject to, but not limited by, the following conditions:

1. No excavation shall be permitted below the grade of a road bounding the property at any point nearer than 300' to such road.
2. No excavation below the natural grade of any property boundary shall be permitted nearer than fifty feet to such boundary.
3. No slope created by the removal operation shall be finished at a grade in excess of the natural angle of repose of the material.

Bylaw Number	Land Use Classifications	Standards & Conditions																
		R-O, R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	NAVC	AC	
4. All excavated areas shall, upon completion of the operation, be covered with not less than four inches of loam; brought to the finish grade and seeded in a satisfactory manner.																		
5. Within the Flood-Prone Conservancy (FPC) District excavation of earth products shall be prohibited if such excavation will lower the level of the water table or will interfere with the natural flow pattern or reduce the flood storage capacity of a stream.																		
6. No permit for earth products removal shall be issued if such removal will (1) endanger the general public health or safety, or (2) constitute a nuisance, or (3) result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration, or, (4) result in traffic hazards in residential areas or excessive congestion or physical damage on public ways.																		
7. A Special Permit for any earth products removal may be issued for a period not exceeding five years in duration. Upon reapplication for a permit, the Zoning Board of Appeals, at its discretion may grant one or more extensions of said permit, each of which shall not exceed five (5) years duration.																		
8. In approving the issuance of such permit, the Zoning Board of Appeals shall impose reasonable requirements which shall constitute a part of the permit and which may include: grading, seeding and planting, fencing necessary for public safety, methods of removal, location and use of structure, hours of operation, routes of transportation of material removed, control of drainage and disposition of waste incident to the operation.																		
9. The Board may require suitable bond or other security adequate to assure compliance with the provisions of this section.																		
3.374	Processing of earth in connection with its authorized removal.	SP (N)	SP (N)	N	N	N	N	N	N	N	N	N	N	SP	N	SP	N	N
Such processing shall be clearly secondary to the removal of earth products. It shall not involve importation of significant quantities of materials from off the premises.																		
3.375	Radioactive waste storage and disposal	N	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N
No burial, incineration, storage disposal of low-level radioactive wastes, transuranic wastes or high level radioactive wastes to be permitted unless a Special Permit is granted for this purpose by the Zoning Board of Appeals.																		
SECTION 3.38		MOTOR VEHICLE RELATED USES																
In the NAVC District, all Motor Vehicle Related Uses except Parking Facilities (Section 3.384) shall be located north of the Mill River and on the west side of Sunderland Road.																		
3.380	Automobile & truck rental	N	N	N	N	N	N	SP	SP	N	N	SPR	N	N	N	N	SP	N
3.381	Automotive filling station, including sales of related products and services.	N	N	N	N	N	N	SP	SP	N	N	SPR	N	N	N	N	SP	N
Limited to minor repairs, unless conducted within the building.																		
3.382	Automotive salvage yard for the dismantling, storage and sale of parts for automobiles and light trucks.	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	SP	N
A buffer comprised of landscaping, natural vegetation, fencing or a combination of these shall be constructed around the perimeter of the parcel. All waste materials and storm water runoff shall be disposed of in a manner specified by the Zoning Board of Appeals. The Zoning Board of Appeals shall consult the Town Engineer, Board of Health and D.E.P. concerning the appropriate methods of disposal. All operations to be such as to confine disturbing smoke, fumes, dust, glare and noise to the premises.																		
3.383	Car wash	N	N	N	N	N	N	N	N	N	N	SPR	N	N	N	N	N	N
3.384	Parking facilities																	
3.3840	Commercial parking lot or parking garage	N	N	N	N	N	N	SP	SP	N	N	SP	N	N	N	N	SP	SP
3.3941	Public parking lot or garage	N	N	N	N	N	N	SPR	SPR	SP	SPR	SP	SP	SP	N	SPR	SPR	SPR
3.385	Establishment for repair of motor vehicles or farm equipment.	N	N	N	N	N	N	SP	SP	N	SPR	N	N	N	N	N	SP	SP
Not to include sale of fuel. Limited to minor repairs, unless conducted within the building.																		
3.386	Motor vehicle sales, including trucks, boats, and farm equipment.	N	N	N	N	N	N	SP	SP	N	N	SPR	N	N	N	N	SP	N
For the display and sale of such vehicles including warranty work and other repair and service conducted as an accessory use.																		
3.387	Sale of auto parts, excluding installation and repair services.	N	N	N	N	N	N	SPR	SPR	SPR	SPR	SP	N	N	N	N	SP	N
3.388	Sales of auto parts, including tires, batteries, mufflers, and the installation and service thereof.	N	N	N	N	N	N	SP	SP	N	N	SPR	N	N	N	N	SP	N
Inside sales only. In the B-N District, there shall be no more than four (4) employees on-site at any time, and the establishment shall be closed by 9:00 p.m.																		
3.389	Truck terminal	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N
Inside sales only.																		

## ATTACHMENT D – VILLAGE CENTER REZONING AMENDMENT

### ARTICLE 5 ACCESSORY USES

SECTION 5.00	GENERAL
SECTION 5.01	RESIDENTIAL
SECTION 5.02	LIGHT INDUSTRIAL DISTRICT
SECTION 5.03	OFFICE PARK & PROFESSIONAL RESEARCH PARK
SECTION 5.04	RETAIL BUSINESS/CONSUMER SERVICE USES
SECTION 5.05	SIGNS
SECTION 5.06	RECREATION
SECTION 5.07	SCIENTIFIC RESEARCH OR DEVELOPMENT
SECTION 5.08	CHILD CARE SERVICE
SECTION 5.09	FARM CONFERENCE CENTER
SECTION 5.10	FILLING OF LAND

#### SECTION 5.00 GENERAL

Any use which is, in Hampshire County, customarily accessory and incidental to a permitted Principal Use shall be permitted on the same lot with said Principal Use, or on a lot adjacent thereto in the same ownership, subject to the general limitation that it shall not be detrimental to the neighborhood or the property in the vicinity, and subject further to the following provision: Wherever a Principal Use is allowed by Special Permit from the Board of Appeals then Accessory Uses to the Principal Use shall be subject to a Special Permit, unless otherwise provided in this Article.

#### SECTION 5.01 RESIDENTIAL

##### 5.010 Lodgers/Boarders/Roomers/Bed and Breakfast

5.0100 Lodgers/Boarders/Roomers/Bed and Breakfast - Maximum Three People. In any district, the taking of lodgers/boarders/roomers/bed and breakfast lodgers (maximum three people) shall be an accessory to the use of a dwelling unit, provided that:

5.01000 There shall be an owner who resides on the premises responsible for the operation.

5.01001 There shall be no separate cooking facilities. However, meals may be offered/provided to lodgers/boarders/roomers and breakfast may be provided to bed and breakfast lodgers.

5.01002 There shall be no substantial change to the exterior of the building.

5.01003 One parking space shall be provided for each room to be occupied by lodgers/boarders/roomers/bed and breakfast lodgers in addition to the parking required under Section 7.000.

5.0101 Lodgers/Boarders/Roomers/Bed and Breakfast - Four to Six People. In any district, the Zoning Board of Appeals may grant a Special Permit for the taking of lodgers/boarders/roomers/bed and breakfast lodgers (four to six people) as a use accessory to the use of a dwelling unit, provided that:

5.01010 There shall be an owner who resides on the premises responsible for the operation.

5.01011 There shall be no separate cooking facilities. However, meals may be offered/provided to lodgers/boarders/roomers, and breakfast may be provided to bed and breakfast lodgers.

5.01012 There shall be no substantial change to the exterior of the building.

5.01013 One parking space shall be provided for each room to be occupied by lodgers/boarders/roomers/bed and breakfast lodgers in addition to the parking required under Section 7.000.

5.01014 There shall be a maximum of five rooms available for rental to lodgers/ boarders/roomers/bed and breakfast lodgers.

5.01015 A management plan, as defined in terms of form and content in the Rules and Regulations of the Zoning Board of Appeals, shall be included as part of any application made under this section. A register of all lodgers/boarders/ roomers/bed and breakfast lodgers shall be kept in accordance with the Rules and Regulations covering hotels and motels within the Commonwealth.

#### 5.0102 Bed and Breakfast

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for the taking of bed and breakfast lodgers in up to 7 rooms as a use accessory to the use of a dwelling unit.

In the B-G, B-L, B-VC and B-N Districts, the Zoning Board of Appeals may grant a Special Permit for the taking of bed and breakfast lodgers in up to 10 rooms as a use accessory to the use of a dwelling unit, and for limited bed and breakfast-related retail and consumer services as a second accessory use.

The Zoning Board of Appeals may grant a Special Permit for a use under this section, provided that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed use meets the following conditions:

5.01020 There shall be an owner who resides on the premises responsible for the operation.

5.01021 The building shall be connected to the public sewer prior to occupancy.

5.01022 There shall be no separate cooking facilities. However, breakfast may be provided to bed and breakfast lodgers.

5.01023 One parking space shall be provided for each room occupied by bed and breakfast lodgers in addition to the parking required under Section 7.000.

5.01024 Retail and consumer services shall be provided only to bed and breakfast lodgers, and shall be clearly secondary and incidental to the bed and breakfast use.

5.01025 A management plan, as defined in terms of form and content by the Rules and Regulations of the Zoning Board of Appeals, shall be part of any application made under this Section. Where retail and consumer services are proposed, such information as the Board of Appeals may require on those services shall be included in the management of this plan.

#### 5.011 Supplemental Apartment

5.0110 A supplemental apartment is a small accessory dwelling unit incorporated as part of and subordinate to a single family detached dwelling. As an accessory use, a supplemental apartment is exempt from the additional lot area/family requirements of Table 3. Supplemental apartments are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units.

5.0111 The Board of Appeals may authorize under a Special Permit in the Outlying Residence, Low Density Residence, Neighborhood Residence, Village Center Residence and General Residence Districts, one supplemental apartment accessory to the use of a single family dwelling, provided that:

5.01110 There shall not be more than 800 square feet of gross floor area in a supplemental apartment, except that any apartment built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in gross floor area.

- 5.01111 Any single family dwelling in which a supplemental apartment is constructed shall not be used simultaneously for accessory lodging under any provision of Section 5.010.
  - 5.01112 One of the dwelling units shall be occupied by the owner(s) of the principal single family residence, which requirement shall be made a condition of any Special Permit issued under this section.
  - 5.01113 Notwithstanding the provisions of Section 12.14, a supplemental apartment shall be occupied by a total of no more than three (3) people.
- 5.012 Office or Studio - The use of a portion of a dwelling or of a building accessory thereof as the office of a doctor, dentist, optician, member of the clergy, lawyer, architect, engineer or other member of a recognized profession, or as the studio or office of an artist, musician, teacher, real estate or insurance agent residing on the premises shall be considered accessory to the use of the dwelling unit, provided that:
- 5.0120 Not more than two persons other than residents of the premises are regularly employed therein in connection with such use.
  - 5.0121 No external change is made which alters the residential appearance of the building on the lot.
  - 5.0122 There is no outward evidence that the premises are being used for any purpose other than residential (except for an accessory sign or vehicle as hereinafter permitted).
- 5.013 Home Occupation - *In the NAVC District, the Permit Granting Board may authorize home occupations as accessory uses by right under a Site Plan Review Approval, provided that the requirements of Sections 5.0130 through 5.0134, inclusive, are met. In all other residence districts, The the Board of Appeals may authorize, by issue of a Special Permit, the use of a portion of a dwelling or building accessory thereto as the workroom of a resident artist, craftsperson, beautician, dressmaker, milliner, photographer, cabinetmaker, skate sharpener, radio repair technician or other person engaged in a customary home occupation, or as the office of a resident taxicab or limousine service operator (see Section 3.340.3), or as a place for incidental work and storage in connection with the off-premises trade by a resident builder, carpenter, electrician, painter, plumber or other artisan, or by a resident tree surgeon, landscape gardener or similar person, provided that:*
- 5.0130 Such use is clearly secondary to the use of a premises for dwelling purposes.
  - 5.0131 Not more than two persons other than residents of the premises are regularly employed there in connection with such use.
  - 5.0132 No trading in merchandise is regularly conducted except for products made on the premises or of parts of other items customarily maintained in connection with, and incidental to, such merchandise.
  - 5.0133 No external change is made which alters the residential appearance of the building on the lot.
  - 5.0134 All operations, including incidental storage, are carried on within the principal or accessory building, and that there is no outward evidence that the premises are being used for any purpose other than residential (except for an accessory sign or vehicle as hereinafter permitted).
  - 5.0135 The proposed accessory use would be suitably located in the neighborhood in which it is proposed and/or the total Town, whichever is deemed appropriate by the Board of Appeals.
  - 5.0136 In Residence Districts, the use will be reasonably compatible with other uses permitted as of right in the same district;
  - 5.0137 The use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories, and the use is not a serious hazard to abutters, vehicles or pedestrians.
  - 5.0138 Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including special attention to safe vehicular circulation on the site and at the intersection with abutting streets.

- 5.014 Livestock or Poultry - The raising or keeping of livestock or poultry for use by residents of the premises shall be considered as an accessory use to residential uses in selected residential districts in Amherst and shall not be permitted in other districts. All livestock and poultry raised and kept as an accessory use shall be raised and kept in a safe and humane manner consistent with best agricultural practices, and shall be subject to the regulations of this section and all applicable local and state laws. The accessory raising or keeping of livestock or poultry in residential districts:
- 5.0140 Shall be allowed by right in the Outlying Residence (R-O) and Low-Density Residence (R-LD) Districts;
- 5.0141 Shall be allowed in the General Residence (R-G), Village Center Residence (R-VC), and Neighborhood Residence (R-N) Districts under the following provisions:
- 5.0141.0 Only selected domesticated fowl (hens, ducks, pigeons, and doves) and domesticated rabbits (including domesticated hares) may be raised and kept as an accessory use. On such properties, no roosters, geese, swans, turkeys, pheasants, peacocks, guinea fowl, pygmy goats, potbellied pigs, or any other livestock or poultry shall be permitted, except under the provisions of a Special Permit granted by the Zoning Board of Appeals.
- 5.0141.1 No more than a combined total of twelve (12) total adult domesticated fowl and rabbits shall be kept on any property, regardless of the number of dwelling units. Only reproductively mature fowl and rabbits shall be considered adults counting toward this maximum.
- 5.0141.2 Domesticated fowl and rabbits shall be confined with fencing or other secure enclosure, which enclosure and any associated sheltering structure shall be set at least ten (10) feet from any property lines and twenty (20) feet from residential structures on any adjacent property. Within such an enclosure, a minimum of ten (10) square feet of open yard area shall be provided per adult animal. Upon receipt of a signed affidavit from all owners of property affected by a setback, in which said owners agree to a specific modification, the Building Commissioner may vary the setback from the property lines in question for enclosures, and for sheltering structures within the height and setback limitations established for accessory structures under Section 6.15.
- 5.0141.3 Within or attached to any such enclosure shall be provided a secure sheltering structure (e.g., coop, dovecote, hutch, or shed, as appropriate) of sufficient size to ensure the health and safety of the animals.
- 5.0142 In all cases, the accessory keeping and raising of livestock or poultry shall require registration of said livestock or poultry with the Amherst Health Department and shall permit regular inspections by the Animal Welfare Officer under applicable state and local law or regulations. All Special Permits issued under this section shall include as conditions of approval the submission of evidence of such registration.
- 5.0143 Any provision of Section 5.014, Livestock or Poultry, may be waived or modified under a Special Permit granted by the Zoning Board of Appeals for compelling reasons of public health, safety, and general public welfare.
- 5.0144 No provision of Section 5.014, Livestock or Poultry, shall apply to farm properties or agricultural operations recognized under MGL Ch. 40A, Section 3, as amended.
- 5.015 Garaging or Parking of Motor Vehicles
- 5.0151 Garaging or parking of one light panel, delivery or pick-up truck shall be considered to be a permitted accessory use in a residential district.
- 5.0152 Garaging or parking of larger commercial vehicles or more than one commercial vehicle may be allowed under a Special Permit, issued by the Board of Appeals.

5.016 Dwellings in Office, Research & Industrial Districts

In any Office Park (OP), Professional Research Park (PRP) or Light Industrial (LI) District, dwelling units may be permitted as an accessory use on any lot where the dwelling unit or units are determined by the permit-granting authority to be necessary for the accommodation of a manager, custodian, security guard, or other employee essential to the operation of the principal non-residential use of the lot. This may include accommodation for such employee's immediate family or household. Not more than 10% of the gross floor area (GFA) of all buildings, as determined by the Building Commissioner, shall be devoted to such accessory residential use. A larger percentage of residential GFA may be allowed only if specifically authorized by the Board of Appeals under a Special Permit.

5.017 Trailer - A trailer or mobile home may be used on any lot for not more than 60 days in any twelve month period and shall be removed at the end of said 60 days, except as provided below:

5.0170 The owner or occupier of a residence which has been destroyed by fire or natural disaster may place a mobile home on the site of such residence and may, by right, reside in such mobile home for a period not to exceed twelve months while the residence is being built. Any such mobile home shall be subject to the provisions of the State Sanitary Code.

5.0171 The tenant of a commercial place of business which has been destroyed by fire or natural disaster may place a trailer on the site of such place of business and may, by right occupy such trailer for period not to exceed twelve months while the business premises are being built. Any such trailer shall be subject to the provisions of the Amherst Board of Health.

5.0172 In circumstances other than noted in Sections 5.170 and 5.171 above, the Board of Appeals may allow the use of a trailer or mobile home as a dwelling or commercial place of business for longer than 60 days, under Special Permit, provided that a time limit is imposed as part of such permit.

5.0173 A trailer may be used for a construction site office on a temporary basis, such trailer to be removed upon completion of the construction project.

SECTION 5.02 LIGHT INDUSTRIAL DISTRICT

Where clearly secondary and incidental to a manufacturing establishment or other Principal Use in a Light Industrial District, any of the following shall be considered as Accessory Uses:

5.020 Restaurant, company store, or similar facility for the convenience of and use by, employees on the premises;

5.021 Salesroom for selling at retail to the general public not more than 10% of any goods assembled, packaged, finished, processed or otherwise manufactured on the premises;

5.022 Regular open-air storage of materials, merchandise, products or equipment needed in connection with, or produced by, the Principal Use on the Premises, but only if such open storage is specifically authorized by a Special Permit from the Board of Appeals.

## SECTION 5.03 OFFICE PARK & PROFESSIONAL AND RESEARCH PARK

A restaurant, company store, or similar facility for the convenience of, and use by, employees on the premises shall be considered an accessory use in the OP and PRP Districts.

## SECTION 5.04 RETAIL BUSINESS AND CONSUMER SERVICE USES

- 5.040 The rental of automobiles, trucks, trailers and farm implements may be granted under a Special Permit as accessory to establishments selling motor vehicle fuel, related products and services.
- 5.041 Seasonal outdoor dining, including sidewalk cafes, courtyard or terrace dining and similar uses may be permitted in the *NAVC*, *AC*, B-G, B-L, B-VC, B-N and COM Districts as an accessory use to: 1) a restaurant, café, lunchroom, cafeteria, refreshment stand, drive-up, fast-food eatery or similar eating establishment, or; 2) to a bakery, deli, or other similar establishment for the production and sale of food or beverage on the premises, or; 3) to a retail store or convenience store selling prepared and packed food or beverage on the premises, under a Special Permit or Site Plan Review approval, whichever is required for the principal use. In the case of a retail or convenience store selling prepared and packaged food on the premises, any unpackaged food or beverage such as ice cream or soft drinks sold in association with any accessory seasonal outdoor dining use shall be sold and served only through a limited-access walk-up window or similar facility, to be consumed out of doors.

In residential districts, seasonal outdoor dining may be permitted under a Special Permit as an accessory use to a farm stand restaurant. Where appropriate, health, fire and building permits have been obtained, seasonal outdoor dining uses may also include the outdoor preparation and cooking of food or beverages.

The following conditions shall apply to any seasonal outdoor dining permitted under this section:

- 5.0410 Except as may be specifically allowed under conditions attached to said Site Plan Review or Special Permit, no structure, framework, planter box, fence, wall or furnishing used in conjunction with the operation of an outdoor dining use shall be allowed to remain in the area so used between November 1 and the April 1 following thereafter. In the B-G District, such temporary structures and furnishings shall be exempt from the provisions of Sections 6.20 and 6.23. No such exemption shall apply to fixed or permanent structures or furnishings.
- 5.0411 Where a site for a proposed outdoor dining facility is partly or completely situated upon a sidewalk within the public way or upon other publicly-owned land, evidence of a lease and/or license allowing the use of the site by the applicant shall be provided prior to the issuance of an occupancy permit.
- 5.0412 The permit-granting authority shall receive from the Building Commissioner a statement that the outdoor dining use will not unduly hinder safe exit from or access to the establishment in the event of a fire or other emergency.
- 5.0413 Except as may be specifically allowed under conditions attached to said Site Plan Review or Special Permit, no wall or fence related to an outdoor dining facility shall have a height of more than four (4) feet. No such facility shall be equipped with free-standing heating and cooling devices or served by the HVAC system(s) of adjacent and associated buildings, except for fans.
- 5.042 Live or pre-recorded entertainment involving music and/or human voice, whether amplified or unamplified, may be permitted in the *NAVC*, *AC*, B-G, B-L, B-VC, B-N and COM Districts as an accessory use to a restaurant, bar, inn or bed and breakfast (Section 5.0102 only) under a Special Permit or Site Plan Review, whichever is required for the principal use, except that a Special Permit shall be required whenever any accessory entertainment is proposed and any outside wall of that portion of the building occupied by the principal use is located 150 feet or less from a residential dwelling in a Residence district.

The following conditions shall apply to any entertainment permitted under this section:

- 5.0420 Such entertainment shall be clearly accessory and incidental to the principal use.

5.0421 Sound produced by the proposed entertainment shall not generally exceed 70 dB (A) as measured at any boundary of the property on which the establishment is located, as determined by the regulations adopted pursuant to Section 5.0422.

5.0422 In order to develop reasonable and effective conditions under this section, the Planning Board shall develop regulations for the measurement of sound undertaken under Section 5.0421, and may require such information as it may deem necessary. The permit granting board or authority may impose a probationary period involving one or more monitoring tests, including but not limited to sound measurements taken during live performances and/or use of sound systems. Permit conditions may include, but are not limited to, requirements for sound-proofing, limits on volume within rooms where entertainment occurs, and any other reasonable measures the permit granting board or authority may deem necessary.

#### 5.043 Drive-Through Facilities

Any attached or free-standing structure designed or operated to provide goods or services for patrons who drive to the structure and remain in their vehicles while receiving said goods or services shall be considered a drive-through facility, and accessory to Principal Uses under this Bylaw. Stand-alone automated teller machines or similar unattended facilities shall be regulated under this section. Exceptions shall be drive-in restaurants (Section 3.352.2), automotive filling stations (Section 3.381) and car washes (Section 3.383), where associated drive-through facilities shall be considered part of the Principal Use and regulated accordingly. No drive-through facility shall be permitted in any zoning district except as hereinafter provided. Existing drive-through facilities accessory to any existing legal non-conforming use shall be regulated under the provisions of Section 9.2.

5.0430 No drive-through facility shall be permitted in the *NAVC, AC, B-G, B-N, OP, PRP* or *LI* Districts. Drive-through facilities may be permitted in those portions of the *B-L* District abutting the *B-G* District under a Special Permit issued by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for the Principal Use.

5.0431 In the *COM* District and in those outlying *B-L* districts not abutting the *B-G* District, drive-through facilities may be permitted as accessory to any permitted retail or consumer service use, or motor vehicle related use under the applicable Site Plan Review approval or a Special Permit required for the associated Principal Use, either proposed or existing.

5.0432 A drive-through facility serving as the entrance/exit structure for the control of access, payment of access fees, and the like may be permitted as accessory to any extensive use, institutional use, governmental/public service use or public parking use in any zoning district under a Site Plan Review or Special Permit, whichever is required for the Principal Use. Where the associated Principal Use is permitted by right in the applicable zoning district, an accessory drive-through facility shall require Site Plan Review approval.

### SECTION 5.05 SIGNS

Signs and advertising devices referring to the property itself, or to commodities or service customarily available on the premises, shall be considered Accessory Uses, subject to the restrictions set forth in Article 8, Sign Regulations.

### SECTION 5.06 RECREATION

#### 5.060 Swimming Pools

5.0600 Private Swimming Pools - In-ground or above-ground swimming pools, 24 inches deep or greater, may be considered accessory to the use of a dwelling unit provided such pool is used only by the residents of the premises and their guests, that no portion of the water area be closer than 20 feet to the front, any side or rear lot line, and that the pool be securely fenced to a height of not less than four feet, and that if such fence has a gate, it be a self-closing gate with a latch. No fence shall be required for above-ground pools if access to the pool, and any deck area surrounding the pool, is exclusively by means of ladders or stairs that are removable, retractable, or that may be secured in some other way so as to prevent access to the pool and the deck area surrounding the pool.

- 5.0601 Public and Semi-Public Swimming Pools - Refer to Massachusetts General Laws, Chapter 140, Section 206.
- 5.061 Recreation Ways - Specific provisions ~~transportation by~~ *for paths, trails, or other similar ways to be used* by bicycle, *on* horseback, and ~~walking on foot~~ within the Flood Prone Conservancy (FPC) District shall be considered as an accessory use.

#### SECTION 5.07 SCIENTIFIC RESEARCH OR DEVELOPMENT

- 5.070 Uses accessory to and necessary in connection with scientific research, scientific development, or related production activities in districts where such activities are permitted under a Special Permit or Site Plan Review approval may be permitted as an amendment to the permit for the principal use provided that the Permit Granting Board or Special Permit Granting Authority finds that the proposed accessory use does not substantially derogate from the public good. Such an accessory use need not be located on the same parcel or parcels of land as the related principal use or activity permitted by right.
- 5.071 Limited manufacturing activity may be considered an allowed accessory use to a technical research and development office, laboratory, or research facility in the *NAV*C, *AC*, B-G, B-L, B-VC, COM, OP, PRP and LI Districts, provided that the following requirements are satisfied:
- 5.0710 Such manufacturing activity shall be directly related to the research and development activities of the principal use.
- 5.0711 No manufacturing activity shall occur within two hundred (200) feet of a dwelling unit in a residential district, or within one hundred (100) feet of any dwelling unit in a non-residential district, including any accessory dwelling units under Section 5.016.
- 5.0712 No manufacturing, processing, or fabrication normally conducted under Sections 3.372.1 or 3.372.2, nor any on-premises sale of products shall be permitted in association with uses under this section.
- 5.0713 All manufacturing activity shall customarily occur inside of buildings; however, outdoor research work and incidental outdoor fabrication of equipment to conduct outdoor experimentation may be permitted under a Special Permit granted by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw and issued in conformance with the Standards and Conditions of the principal use and the provisions of Section 10.38.
- 5.0714 Manufacturing activity, excluding incidental fabrication of outdoor experiments, shall not occupy an area in excess of sixty (60) percent of the gross floor area of a building or group of associated buildings owned by the same establishment.
- 5.072 An airport or helipad shall not be considered an accessory use under this section.

#### SECTION 5.08 CHILD CARE SERVICE

- 5.080 A licensed family day care service for six (6) or fewer children shall be permitted as an accessory use, by right, in a one family dwelling, two family dwelling, converted dwelling, row house, and apartment. The adjacent tenants, adjacent neighbors and the property owner shall be notified by certified mail by the day care day care provider at least two (2) weeks prior to the establishment of the licensed family day care service. The Zoning Enforcement Officer shall be provided with a copy of the license to operate.
- 5.081 A licensed day care facility shall be permitted as an accessory use in the following zoning districts, provided that the Zoning Enforcement Officer is provided with a copy of the license to operate: *NAV*C, *AC*, R-F, B-G, B-L, B-VC, B-N, COM, OP, LI, PRP.

#### SECTION 5.09 FARMS

- 5.090 Farm Conference Center

The Board of Appeals may authorize, by issue of Special Permit, the use of a portion of a property as a Farm Conference Center, in the *NAVC, AC*, R-LD, R-O, and R-N Districts only, provided that:

- 5.0901 The use shall be located on a parcel of land of at least five acres in size, on which there is an existing principal use that is agricultural in nature.
- 5.0902 The Farm Conference Center uses shall be related to, and incidental to agricultural uses.
- 5.0903 The subject property shall have a lot frontage of at least 200 feet on a heavily travelled road and shall be located close to business, commercial and/or educational districts.
- 5.0904 All buildings associated with this use shall be connected to the public sewer system prior to occupancy.
- 5.0905 All buildings used for the conference center shall be located at least 100 feet from all property lines.
- 5.0906 The parking for such use shall be located at least fifty feet from all property lines and shall be screened from residential abutters.
- 5.0907 The Board of Appeals may authorize the provision of temporary accommodations in conjunction with the Farm Conference Center. However, no permanent or continuing residential occupancy shall be authorized under this section.
- 5.0908 Parking shall be provided in accordance with Section 7.002 of the Zoning Bylaw.

#### 5.091 Farm Stand Restaurant

The Board of Appeals may authorize, by the issuance of a Special Permit, the use of a portion of a property as a farm stand restaurant in the *NAVC, AC*, R-LD, R-O and R-N districts only, provided that:

- 5.0910 The use shall be located on a parcel of land of at least five (5) acres in size on which there is an existing principal use that is agricultural in nature.
- 5.0911 The restaurant use shall be related to and incidental to the agricultural use and farm stand, and some of the food products served therein shall have been produced by the owner of the land on which the restaurant is located.
- 5.0912 The subject property shall have a frontage of at least 200 feet on a heavily travelled road and shall be located close to business and/or commercial districts.
- 5.0913 For the purposes of this section, the farm stand restaurant shall be deemed incidental to the principal use if the farm stand restaurant area accessible to the public does not exceed 40% of the total floor area in the building in which it is located which would not include any outside area eating accommodations as may be approved by the Special Permit Granting Authority.
- 5.0914 All buildings associated with this use shall be connected to the public sewer system prior to occupancy. The Board of Appeals may waive this requirement based upon a finding that public sanitary sewer is not reasonably available to the site, that such waiver is not detrimental to the neighborhood and that the existing or proposed septic system is in accordance with regulations of the Board of Health.

#### SECTION 5.10 FILLING OF LAND (See Sections 3.121 & 3.122)

Any filling of land accessory to the development of property, which raises the existing grade of any portion of a property 5,000 square feet or more in area by an average of two (2) feet or more, or any such filling which raises the existing grade of any portion of a property 2,000 square feet or more in an area by an average of five (5) feet or more shall require a Special Permit subject to the following conditions:

- 5.100 No slope created by the filling operation shall be finished at a grade in excess of the natural angle of repose of the materials.
- 5.101 All filled areas which are not to be built upon within one (1) year shall, upon completion of the operation, be covered with not less than four (4) inches of loam, brought to the finish grade, seeded and mulched in a satisfactory manner.
- 5.102 No permit for the filling of land shall be issued if such filling will: 1) endanger public health or safety; 2) constitute a nuisance; 3) result in a detriment to the normal use of the adjacent property; 4) cause significant erosion or sedimentation due to improper drainage design or management; or 5) result in traffic hazards in residential areas or excessive congestion, or physical damage on public ways.
- 5.103 In granting a permit for such an accessory use, the Zoning Board of Appeals may impose reasonable requirements on grading, seeding and planting, barriers needed for public safety, control of erosion and drainage and other appropriate aspects of the use.
- 5.104 The Zoning Board of Appeals may require a suitable performance bond or other security adequate to ensure satisfactory compliance with provisions of this section.

TABLE 3 - DIMENSIONAL REGULATIONS

Zoning District	R-LD	R-O <sup>i</sup>	R-N <sup>i</sup>	R-VC	R-G	R-F	B-G	B-L COM	B-VC	B-N	OP	LI	PRP	FPC	NAVC <sup>p</sup>	AC <sup>p</sup>	ED
Basic Minimum Lot Area (sq. ft.) <sup>b</sup>	80,000	30,000	20,000	15,000	12,000 <sup>m</sup>	40,000	12,000 <sup>b</sup>	20,000 <sup>b</sup>	15,000 <sup>b</sup>	15,000 <sup>ab</sup>	40,000 <sup>a</sup>		30,000 <sup>a</sup>	80,000	12,000 <sup>ab</sup>	12,000 <sup>ab</sup>	
Additional Lot Area/Family (sq.ft.)	10,000	10,000	6,000	4,000	2,500 <sup>am</sup>		1,250 <sup>ab</sup>	4,000	2,500 <sup>ab</sup>	1,500 <sup>ab</sup>					1,250 <sup>ab</sup>	1,250 <sup>ab</sup>	
Basic Minimum Lot Frontage (ft.)	200	150	120	120	100	150	100 <sup>b</sup>	125 <sup>b</sup>	100 <sup>b</sup>	100 <sup>b</sup>	100 <sup>a</sup>		100 <sup>a</sup>	200	See p	See p	
Basic Minimum Front Setback (ft.) <sup>3</sup>	30	25	20	15	15	25	20 <sup>c</sup>	20	10	10	30	20	20	40	5 Minimum 20 Maximum <sup>a</sup>	5 Minimum 20 Maximum <sup>a</sup>	
Basic Minimum Side and Rear Yards (ft.) <sup>3</sup>	20	25	15 <sup>d</sup>	15 <sup>d</sup>	10 <sup>d</sup>	20	e	25 <sup>a</sup>	25 <sup>a</sup>	10 <sup>ae</sup>	f	e	f	20	10 <sup>ae</sup>	10 <sup>ae</sup>	
Maximum Building Coverage (%)	10	15	20	25 <sup>a</sup>	25 <sup>a</sup>	20	70 <sup>a</sup>	35	35	35 <sup>a</sup>	20	25	25	10	35 <sup>a</sup>	35 <sup>a</sup>	
Maximum Lot Coverage (%) <sup>o</sup>	15	25	30	40	40	45	95 <sup>a</sup>	70/83 <sup>j</sup>	70	65 <sup>a</sup>	70	65	70	15	70 <sup>a</sup>	70 <sup>a</sup>	
Maximum Floors <sup>a</sup>	2 ½	2 ½	3	3	3	3	4	3	3	3	2 ½	3	3	1	3	3	
Maximum Height (ft.) <sup>3</sup>	35	35	35	35	40	40	50	35	40	40	35	50	35	20	16 Minimum <sup>n</sup> 40 Maximum	16 Minimum <sup>n</sup> 40 Maximum	
Cluster Minimum Lot Area (sq. ft.)	25,000	15,000	10,000	7,500	6,000												
Cluster Lot Frontage (ft.) <sup>k</sup>	100	100	80	60	50												
Cluster Minimum Front Setback <sup>k</sup>	20	20	15	10	10												
Cluster Minimum Side and Rear Yard (ft.) <sup>k</sup>	15	15	15	10	10												

See Section 3.213

TABLE 3 – DIMENSIONAL REGULATIONS FOOTNOTES

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.
- b. Applies to Residence Uses only (Section 3.32). In the NAVC, AC, B-G, B-VC and B-N Districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.
- c. Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no front setback is required.
- d. A side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time.
- e. Rear and side yards shall be at least 20 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided, shall be at least 10 feet.
- f. Except as may be otherwise provided for specific uses, rear and side yards shall be at least 50 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet.
- g. See Section 6.15 for interpretation.
- h. A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- i. Substitute the dimensional requirements in Section 4.332 for 10% affordable projects within cluster subdivisions only.
- j. 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District.
- k. Requirements may be modified under a Site Plan Review approval granted for a cluster subdivision.
- l. The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for in Section 6.6.
- m. In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.
- n. See Section 6.19 for interpretation. In the AC and NAVC Districts, the following shall apply: 1) one story buildings shall be a minimum of 16 feet in height on the front elevation facing the street yard, and, 2) for a Civic, Commercial, or Mixed Use building with the maximum number of floors and where a pitched roof is proposed, the Special Permit Granting Authority or Permit Granting Board may allow a modification in maximum height, if it determines that: a) a pitched roof will serve compelling reasons of safety, aesthetics or design, b) the maximum number of floors is not exceeded, c) the top floor does not exceed 12 feet in height, and d) the overall height of the building does not exceed eight (8) feet above the maximum.  
See Section 6.18.
- o.
- p. The AC and NAVC Districts are classified as Form-Based Districts (FBD). Dimensional Regulations for FBD in Article 16 are based on individual building and lot types as defined below. Minimum Lot Frontage and Minimum Building Facade Occupation requirements may be modified under footnote "a" above by Special Permit issued by the Special Permit Granting Authority authorized to act under the applicable section of this Bylaw.

Building and Site Type	Minimum Lot Frontage (Linear Feet)	Frontage Building Facade		Min. Open Space	
		Min. Occupation (% of Bldgs Linear FT)	By Lot	% total lot area	
Civic Building Type	NA	NA	NA	NA	
Commercial Building Type	40	60%	5%	5%	
Mixed-Use Building Type	40	60%	5%	5%	
Multi-Family Residential Building Type	40	40%	10%	10%	
Village Residential Building Type	40	40%	10%	10%	
Live-Work Building Type	20	40%	5%	5%	

See Section 16.912

## ATTACHMENT F – FORM-BASED ZONING AMENDMENT

### ARTICLE 7 PARKING & ACCESS REGULATIONS

#### SECTION 7.9 WAIVERS

- 7.90 Any section or subsection of Article 7.0, Parking Regulations, *and Section 16.7, Off-Street Parking and Access Standards*, may be waived or modified by the permit granting board for compelling reasons of safety, aesthetics, or site design.
- 7.91 Parking space requirements under Section 7.0 may be modified when one or more of the following conditions are met to the satisfaction of the permit granting authority:
  - 7.910 Peak parking needs generated by on-site uses occur at different times.
  - 7.911 A significant number of employees, tenants, patrons or other parking users of the site are common to and shared by more than one use on the site.
  - 7.912 A parking management plan approved by the permit granting authority is implemented with occupancy of the building or buildings. Said plan shall include the implementation of such measures as car and van pooling, bicycling and public transit use sufficient to reduce the need for parking. The permit granting authority may require periodic documentation of reductions in vehicle trips and parking utilization as a result of the parking management plan.

## ATTACHMENT G – FORM-BASED ZONING AMENDMENT

### ARTICLE 8 SIGN REGULATIONS

SECTION 8.0	GENERAL STANDARDS
SECTION 8.1	RESIDENTIAL DISTRICTS
SECTION 8.2	BUSINESS AND INDUSTRIAL/RESEARCH PARK DISTRICTS
SECTION 8.3	FLOOD PRONE-CONSERVANCY DISTRICTS
SECTION 8.4	NON-CONFORMING AND TEMPORARY SIGNS

#### SECTION 8.0 GENERAL STANDARDS

Any exterior sign or advertising device, or any permanent interior sign or advertising device situated, designed or intended to be viewed from the out of doors, which is hereafter erected or maintained shall, except as expressly provided, conform to the following restrictions. Any interior sign used only temporarily or not visible from the out of doors shall be exempt from the provisions of this section. No sign or advertising device shall, in any district:

##### 8.00 Projecting Signs

- 8.000 Exceed 10 square feet in area.
- 8.001 If affixed to, suspended from, or incorporated as part of a building, project more than 36 inches from the building, except that such a sign may project up to 48 inches from the building provided it does not exceed 6 square feet in area.
- 8.002 If supported by or suspended from a pedestal or post, project more than 36 inches over or into any pedestrian way customarily used by the public, except that any such sign may project up to 48 inches over any such way provided it does not exceed 6 square feet in area.
- 8.003 Extend into a 24 inch setback from a vertical plane above the curb line of any adjacent street customarily used by the public.

##### 8.01 Extend more than four feet above the eavesline or parapet of any building to which it is affixed.

##### 8.02 Incorporate or be lighted by, flashing or blinking lights, or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical or electrical motion. Fixed banners or electronic billboards using changeable lights to convey the time, temperature, or other public information shall be exempt from this prohibition.

##### 8.03 If free standing, extend more than twelve feet above ground level.

##### 8.04 Maximum Surface Area

- 8.040 No sign shall have a surface area greater than 80 square feet, except that this requirement may be modified under a Special Permit issued by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw. No sign receiving such a permit for a modification of total surface area shall exceed 125 square feet in area, except as may be permitted under the provisions of Section 8.4.

- 8.041 Maximum surface area for signs under this and following sections shall be calculated as follows:

- 1) The surface area of any sign, either freestanding or attached, shall be considered to be the full visual presentation of the sign's display, including all lettering, numerals, symbols, decorative borders, background surface, framing, or ornamental structure, whether open or enclosed.
- 2) The surface area of a sign shall not include the surface area of any incidental supporting poles, arms, structural framework, bracing, lighting fixtures, or any open areas contained within or framed by such incidental structures which are not an integral part of the design of the sign's display.

- 3) For a sign consisting of individual letters, numerals, designs, and symbols attached to or painted directly on the surface of a building, wall, window, awning, canopy or other approved surface with no other structure or background, the surface area of the sign shall be considered to be that of the smallest quadrangle which encompasses all of the letters, numerals, designs, colors and symbols constituting the sign's display.
- 4) For a sign with display areas or surfaces mounted on two surfaces of the same structure, or on parallel and back-to-back structures within 12" of one another, or where the interior angle formed by two display surfaces on a single structure is 60 degrees or less, the display area of a single side—the larger side when there is a difference—shall constitute the total surface area for the purposes of this Bylaw. Where the interior angle formed by the two display surfaces is greater than 60 degrees, the combined area of both display surfaces shall be considered one surface for the purpose of establishing maximum surface area.

## SECTION 8.1 RESIDENTIAL DISTRICTS

In all Residence Districts, the following exterior signs are permitted on private property, and no others::

### 8.10 Numbers of Signs and Dimensions

- 8.100 In the case of a dwelling or use accessory thereto – one (1) sign not over two (2) square feet in area for each household residing on the premises, not to exceed a total of eight (8) square feet in area, indicating the address and/or names of the owners or occupants and one (1) sign not over eight square feet in area pertaining to the accessory use.
- 8.101 In the case of a permitted or authorized use other than a dwelling or use accessory thereto, or in the case of sale or lease of the premises – two (2) signs pertaining to such use, sale or lease provided that the combined total area of such signs clearly visible from any point off the premises shall exceed twelve (12) square feet only under a Special Permit issued by the Special Permit Granting Authority.

In the R-VC District *and R-VF Overlay District* only, the Special Permit Granting Authority may grant a Special Permit for two (2) signs pertaining to an accessory use, where the combined total area of such signs clearly visible from any point off the premises shall not exceed twelve (12) square feet, with any single sign not to exceed eight (8) square feet in area.

- 8.102 In the case of a fraternity or sorority – one (1) sign identifying the group residing on the premises and not to exceed twelve (12) square feet in area.
- 8.103 No sign allowed under this section shall exceed four feet (4') in height above grade, except that projecting signs with a total area of three square feet or less may be up to six feet (6') in height above grade.
- 8.104 There shall be no front setback requirement for signs allowed on private property under this section, except that no sign shall be set closer to any public sidewalk than 30 inches (30"). Signs shall be set back from any side or rear property boundary a distance equal to or greater than their height above grade. On corner lots, no sign or portion thereof shall be located within the clear sight triangle, as defined in Section 6.27.
- 8.11 No billboard, nor any sign on which the principal product or service advertised is not regularly produced or available on the premises, shall be erected or maintained in any Residence District.
- 8.12 In the case of a fraternity or sorority - one sign identifying the group residing on the premises and not to exceed twelve square feet.

8.13 Political Signs

8.130 Election Signs - Election signs shall be those signs pertaining to a candidate for election or ballot question. Such signs shall be allowed except each sign shall be erected no earlier than sixty days prior to an election and shall be removed within three days after the election. No such sign shall be located in the clear sight triangle, as defined in Section 6.27.

8.131 Message Signs - Message signs shall be those signs displaying a political, religious, or other non-commercial message other than that allowed under Sections 8.10 through 8.13 and 8.104. A maximum of two such signs per property shall be allowed. Each sign shall not exceed six square feet in size. No such sign shall be located in the clear sight triangle, as defined in Section 6.27.

SECTION 8.2 BUSINESS AND INDUSTRIAL/RESEARCH PARK DISTRICTS

In all Business, and Industrial/Research Park Districts, *and Special Districts NAVC and AC*, the following exterior signs are permitted:

8.20 Signs affixed to, suspended from, or incorporated as part of a building, provided that the total area of the sign on a wall shall not exceed 10 percent of the area of that wall.

8.21 A marquee over the principal entrance to a place of public assembly, subject to the provisions of Article III, Section 5 of the Town By-Law.

8.22 Permanent signs identifying a business or facility may be allowed on cloth or fabric structures such as awnings or upon fixed banners under the permitting procedures required under this Bylaw for the use with which they are associated, and shall conform to the provisions of this section.

8.23 In the outlying B-L, the COM, OP, PRP and LI Districts, the following additional signs are permitted:

8.230 One free standing sign, or one monument sign, for each street frontage, subject to the following standards:

1) For any sign located a distance equal to or greater than the required building setback in that zone:

maximum 60 square feet in size  
maximum 12 feet high

2) For any sign located half of the distance required for the building setback in that zone:

maximum 30 square feet  
maximum 10 feet high;

3) For any sign located between the property line and half the distance required for a building setback in that zone:

Monument sign only

maximum 15 square feet  
maximum 6 feet high

8.231 For any parcel with continuous frontage of 300 feet or more, one free standing sign or one monument sign, located the distance equal to or greater than the required building setback:

maximum 80 square feet  
maximum 12 feet high

- 8.232 In the PRP, OP, and LI Districts, one additional monument sign, for identification purposes, subject to the following conditions:
- 1) The sign shall include the name of the research, office, or industrial park.
  - 2) The sign shall be located at the principal street entrance to the park.
  - 3) The sign shall only be allowed where the park was established through an approved subdivision plan.
  - 4) The sign shall only be allowed where there are three (3) or more separate parcels included in the approved subdivision for the park.
  - 5) The sign shall have a maximum height of 10 feet and maximum size of 60 square feet.
  - 6) The sign shall be in accordance with an approved sign plan.
- 8.24 In the *NAVC*, *AC*, B-G, B-VC, B-N Districts and B-L District adjacent to B-G and B-N, the following additional signs are permitted:
- 8.240 One free standing sign, or one monument sign, for each street frontage, subject to the following standards:
- maximum height - 10 feet  
maximum size - 25 square feet
- 8.25 For any sign located on a property in a *NAVC*, *AC*, B-VC, B-N, B-L or COM district and also in a National Historic Register District or local historic district, the minimum front setback may be the same as established for business uses in the B-G District, subject to approval of the sign location and design by the permit-granting authority. The authority may approve the proposed sign(s) if it finds that:
- 8.250 The provisions of Section 8.28 have been met with regard to vehicular and pedestrian safety.
- 8.251 The proposed setbacks are consistent with the setbacks of existing signs in the vicinity and/or are consistent with historical precedent for sign locations in the vicinity.
- 8.252 The design of the proposed sign(s) is consistent with the design principles and standards in Section 3.2041, 9).
- 8.253 The sign(s) appropriately identify and reflect the character of the proposed uses of the property.
- 8.26 For properties located within a Business or Industrial/Research Park zone with a vehicular entrance to that property, located on a parcel of land not in the same ownership as the parcel of land on which the principal use is situated, the following signs are permitted:
- 8.260 One free standing or monument sign to be located at the vehicular entrance subject to the following conditions:
- 1) Maximum height - 10 feet.
  - 2) Maximum size - 30 square feet.
  - 3) Such sign shall meet the requirement of Section 8.28.
  - 4) Such sign shall be located on a parcel of land that is immediately abutting the parcel of land of the principal use which is identified by the sign.
  - 5) The sign owner shall submit to the permit granting authority proof of an easement. or other legal document that grants permission to use the subject property for a sign.
- 8.27 All free standing and monument signs shall be located within a landscaped area equal to 150% of the area of the sign.
- 8.28 No free standing or monument sign shall be located in such a manner that it will impair sight distances of pedestrians and/or vehicles at an intersection or at a vehicular or pedestrian entrance to a property.
- 8.29 All signs shall be located on the same parcel of land as the business, location, product or service identified on the sign, except as provided for in Section 8.26.

### SECTION 8.3 FLOOD PRONE-CONSERVANCY DISTRICTS

In all Flood Prone-Conservancy Districts the following signs and no others are permitted:

- 8.30 Name plates of the type described in Section 8.10 herein.
- 8.31 Announcement: one or two signs not exceeding a total of twelve (12) square feet in area for the following purposes:
  - 8.310 Advertisement for the sale, rental or lease of the premises.
  - 8.311 Announcement or bulletin board for a public charitable or religious institution.
  - 8.312 Advertisement for a building contractor only while construction is occurring on the site.

### SECTION 8.4 NON-CONFORMING AND TEMPORARY SIGNS

- 8.40 Signs legally existing at the time this Bylaw was adopted may continue as non-conforming uses, subject to the provisions of Article 9 hereof.

This provision shall not apply to billboards, signs and other advertising devices subject to the provisions of Sections 29 through 33, inclusive, of Chapter 93, and of Chapter 93D of the General Laws.
- 8.41 A directional or identification sign may be erected and maintained in any district where the Board of Appeals, acting under Section 10.3, finds that such signs will serve the public convenience, will not endanger the public safety, and will be of such size, location, and design as will not be detrimental to the neighborhood.
- 8.42 Nothing herein shall affect provisions in existing Town By-Laws relating to temporary signs permitted by the Select Board, or posted by the Town or government, nor to the regulation by the Select Board under Article III, Section 5 of the Town By-Laws of signs which extend six inches or more into or over the limits of a public way.
- 8.43 The Building Commissioner may grant a temporary sign permit for temporary exterior signs made of cloth, fabric, vinyl, paper or other similar materials, including banners, pennants and flags, for such purposes as grand openings, going-out-of-business sales and seasonal promotions. A temporary sign permit shall not exceed 3 weeks in duration.

## ATTACHMENT H – FORM-BASED ZONING AMENDMENT

### ARTICLE 12 DEFINITIONS

For the purposes of this Bylaw certain words and terms used herein shall be interpreted as follows:

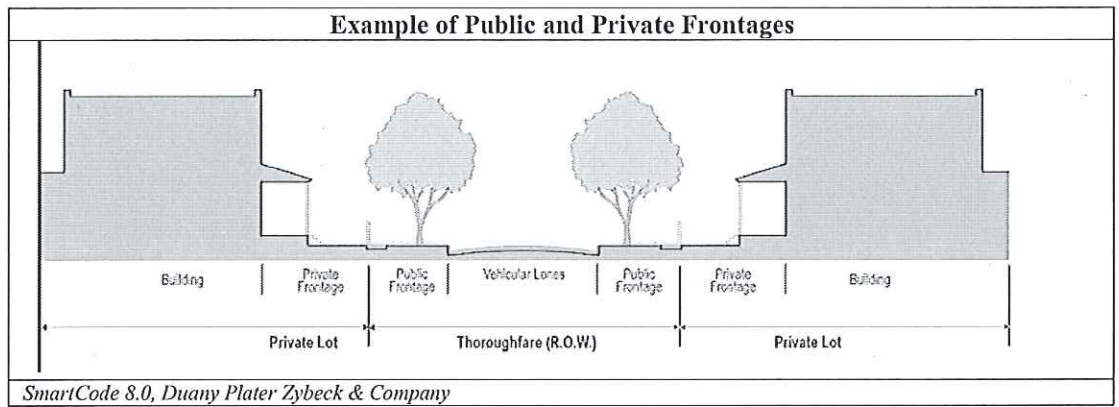
- 12.00 Aggregated accessory uses: One or more uses customarily accessory to principal residential uses as allowed in this Zoning Bylaw, where such accessory use(s) are aggregated, used and shared in common by the occupants of more than one residential dwelling unit located on the same property or a different property from the accessory use(s).
- 12.01 *Alley: A vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. Rear alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.*
- 12.02 Amusement device: Any mechanical or electronic game, amusement, sport or test of skill including, but not limited to, videogame machines, pinball machines, pool or billiard tables, or similar mechanical or electronic devices.
- 12.03 Aquifer: Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable ground water.
- 12.04 Apartment: A residential use consisting of one or more buildings, each building containing no fewer than three (3), nor more than twenty-four (24) dwelling units. Apartment dwelling units may share internal accessways and entrances and need not have separate exterior entrances on the ground level.
- 12.05 Arcade: Premises, or portions of premises, where six or more amusement devices are maintained for public or private membership use.
- 12.06 Bar: A food and drink establishment or a part of such an establishment devoted primarily to the service and consumption of alcoholic beverages on the premises, and in which the service of food is only incidental.
- 12.07 Bed and Breakfast: A use accessory to a dwelling unit consisting of overnight lodging with breakfast. In a bed and breakfast no meals other than breakfast shall be served, and no breakfast shall be served nor shall any retail and consumer services be provided to any member of the public not lodged as an overnight guest.
- 12.08 *Bicycle Lane: A dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping.*
- 12.09 *Bicycle Route: A thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.*
- 12.10 *Building Disposition: The location of a building or structure relative to the boundaries of its lot.*
- 12.11 *Civic: The term defining not-for-profit uses operated by organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.*
- 12.12 *Civic Building: A building to be occupied by uses operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for other similar use approved by the Permit Granting Board.*
- 12.13 *Civic Space: An outdoor area designed and operated for public use and defined by the combination of certain physical constants including the relationships among intended use(s), size, landscaping and enfronting buildings.*

- 12.14 *Common Yard: A planted private frontage that is visually continuous with adjacent yards.*
- 12.15 *Configuration: The form of a building, based on its massing, private frontage, and height.*
- 12.16 Congregate Housing For the Elderly And Handicapped: A building or buildings, or a portion thereof, arranged or used for lodging by elderly and handicapped residents, as defined in Chapter 121B of the General Laws, wherein meals may be served in one or more group dining facilities.
- 12.17 Converted Dwelling: A dwelling unit in or attached to an existing residence of ten or more years of age, or a detached structure constructed prior to 1964, located on a lot where at least one dwelling unit lawfully existed prior to the conversion.
- 12.18 *Curb Cut: Any access point onto a roadway. This may include, but is not limited to, an entrance to a parcel, or an intersection with another roadway.*
- 12.19 *Curb Radius: The curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.*
- 12.20 *Design Speed: The velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Design Speed.*
- 12.21 Discharge Area: That portion of the surface area of an aquifer which, because of an overlying layer of impermeable material such as clay, tends to discharge more precipitation and stream flow out of the watershed as surface runoff than it allows to percolate into the ground and recharge the aquifer. Where an overlying layer is not completely impermeable as a result of natural conditions or human activity, a discharge area can be a potential location for the introduction of groundwater pollution.
- 12.22 Drive-up restaurant: A restaurant, refreshment stand, fast-food eatery, or other similar place for the service of food or beverages, some portion of which is served to persons remaining in their vehicles outside the building, via a drive-up window or other similar method.
- 12.23 *Driveway: A vehicular lane within a lot, often leading to a garage.*
- 12.24 Dwelling Unit, Attached: A building containing three or more units, each unit having a separate entrance.
- 12.25 Dwelling Unit, Detached: A single family dwelling, containing one unit, which provides complete independent living facilities.
- 12.26 Dwelling Unit, Duplex: A building containing two dwelling units, arranged one above the other, or side by side, each with a separate entrance.
- 12.27 Dwelling Unit, Zero Lot Line: A single family unit, sited on one or more lot lines, with no yard along these lot lines. A zero lot line unit may be attached to an adjoining zero lot line unit provided they are separated by a party wall, with no openings along the dividing lot line.
- 12.28 *Effective Parking: Under Article 16, the amount of parking required for mixed use after adjustment by the shared parking factor.*
- 12.29 *Encroachment: Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage, or above a height limit.*
- 12.30 *Enfront: An element placed along a frontage, as in "porches enfront the street."*
- 12.31 *Facade: The exterior wall of a building that is set along a frontage line.*
- 12.32 Family:

- 12.320 An individual residing in one dwelling unit; or
- 12.321 A group of persons related by marriage, blood and/or adoption residing together in one dwelling unit; or
- 12.322 A group of unrelated individuals, not to exceed 4, residing cooperatively in one dwelling unit. In this instance, an accessory use as described in Sections 5.010 and 5.011 is not permitted.
- 12.33 Farmland: Land under agricultural use as defined in MGL Ch. 128, Section 1A, and MGL Ch. 61A, Sections 1 and 2, inclusive, as amended, and, including for the purposes of this Bylaw, the lawful propagation and raising of wild or game species under applicable state and federal law, and, land under agricultural use whose soils are classified as prime, unique, or of state and local importance by the USDA Soil Conservation Service. The provision of MGL Ch. 40A, Section 3, shall apply.
- 12.34 Floor Area Ratio: The ratio of gross floor area of all buildings to the lot area.
- 12.35 *Frontage: In Article 16, the area between a building facade and the vehicular lanes, including built and planted components. Frontage is divided into Private Frontage and Public Frontage (See definitions below).*
- 12.36 *Frontage Line: A lot line bordering a public frontage.*
- 12.37 *Green: A civic space type for unstructured informal recreation, spatially defined by landscaping rather than building frontages.*
- 12.38 *Greenway: An open space corridor in natural or predominantly natural conditions which may include trails for bicycles and pedestrians.*
- 12.39 *Ground Floor: The floor located at the street level, closest to the naturally occurring grade.*
- 12.40 Groundwater: All the water found beneath the surface of the ground. More specifically, the slowly moving subsurface water present in the aquifer and recharge areas.
- 12.41 Hazardous Material: Any material or combination of materials, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to a present or potential threat to human health, safety or welfare or to the environment when improperly stored, treated, transported, disposed of, used or otherwise managed. This definition includes all substances which are included in the definition of hazardous materials contained in M.G.L. Chapter 21C.
- 12.42 Hostel: An overnight lodging facility licensed by a recognized national or international hostelling organization, offering temporary lodging to members of such organizations and other travelers, as well as educational programs and other goods and services related to hostelling. Lodging for non-members shall not exceed fourteen (14) days in any four (4) month period, with a limit of no more than seven (7) consecutive days. Lodging for members shall not exceed thirty (30) days in any four (4) month period, with a limit of no more than fourteen (14) consecutive days.
- 12.43 Hotel or Motel: A structure used or designed for overnight lodging, and which may also provide a restaurant and hotel/motel-related retail and consumer services to lodgers and the public.
- 12.44 Housing, Affordable: Affordable housing units are units which may be rented or purchased by those who meet the guidelines for maximum annual income for low-income or moderate-income family or household. The income limit for low-income shall be 80% of the median income for Amherst and the income limit for moderate-income shall be 120% of median income for Amherst. Median income for Amherst shall be as calculated by the U.S. Department of Housing & Urban Development, or any successor agency and shall be adjusted for family size.

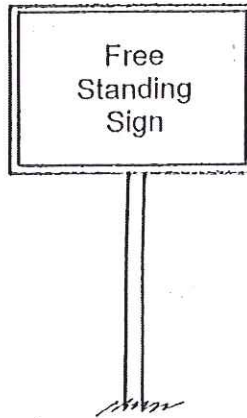
- 12.45 Inn: A structure used or designed for overnight lodging, and which may also provide a restaurant and related retail and consumer services to lodgers and the public. An inn shall be located in a historic building 75 years or more in age.
- 12.46 Limousine: A livery vehicle primarily garaged or engaged for hire in the town of Amherst, which is used to carry passengers under pre-arranged contract for an agreed-upon hourly fare, or; operates as a charter, business courtesy, employee shuttle, customer shuttle, or; a motor vehicle on a regularly scheduled route without the use of a taximeter.
- 12.47 *Liner Building: A building specifically designed to shield from public view a parking lot or a parking structure.*
- 12.48 *Live-Work: A mixed use occupying a single building or separate buildings containing one (1) commercial or light industrial use and one (1) residential dwelling unit on the same lot, except as may be otherwise permitted by the Special Permit Granting Authority. The use is intended to allow a business owner/proprietor to reside in the same structure or lot containing their commercial activity or industry.*
- 12.49 Lot, Buildable: Any lot meeting the minimum lot area and lot frontage requirements of the zoning district in which it is located and which contains either 90 percent of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- 12.50 Medical Care Providers:
- 12.530 Other Medical or Dental Professionals: A health care professional who may provide patient care, patient support, or ancillary medical services under the supervision of a principal health care provider. For the purposes of this Bylaw, this shall include nurse practitioners, registered or licensed practical nurses, physicians' assistants, dental hygienists, sonographers, phlebotomists, and similar medical professionals.
- 12.531 Principal Health Care Provider: A health care professional licensed to operate as a physician or dentist in the Commonwealth of Massachusetts, who provides care to patients and may refer patients or receive referrals for specific medical or dental services, particularly in an outpatient setting. For the purposes of this Bylaw, principal health care providers shall include physicians, dentists, and physician specialists such as psychiatrists, dermatologists, dental surgeons, and ophthalmologists.
- 12.51 Medical Uses:
- 12.540 Clinic or emergency care facility: Any private or public health clinic, or other similar community health facility providing diagnosis and ambulatory emergency medical care to persons on an exclusively outpatient basis as a principal use. A clinic or emergency care facility may also be accessory to a medical center, hospital, or similar facility.
- 12.541 Medical center: Two (2) or more medical group practices, or medical offices, or combination thereof, operating in the same building or on the same property, which may also contain associated principal or accessory uses such as diagnostic testing facilities, physical therapy, therapeutic or counseling services, pharmacies, medical supply retailers, and similar uses. A medical center shall not include medical residential facilities.
- 12.542 Medical group practice: A Medical, dental, or psychiatric practice larger than a medical office, including principal health care providers, other medical or dental professionals, and administrative or clerical staff, providing services on the premises. A medical group practice and its principal health providers shall offer medical services within one area of medical practice (ex., general practice, orthopedics, cardiology, obstetrics and gynecology, oncology, etc.) or within a small number of closely related areas of medical practice, and may also contain in-house diagnostic testing facilities, medical counseling services, and similar services, or may be associated with other similar accessory or complementary principal uses in the same building.

- 12.543 Medical office: A Medical, dental, or psychiatric practice offering medical or dental services on an outpatient basis and including a total of no more than the full time equivalent of three (3) principal health care providers and two (2) other medical or dental professionals, exclusive of administrative or clerical staff, providing services on the premises. A medical or dental office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, and similar services.
- 12.52 *Mixed Use: Two or more principal uses within the same building or on the same property through superimposition or adjacency, or in multiple buildings by adjacency.*
- 12.53 Oil: Insoluble or partially soluble crude or fuel oils, lube oil, sludge, asphalt or partially insoluble derivatives of mineral, animal or vegetable oils.
- 12.54 *Open Space: Land intended to remain undeveloped.*
- 12.55 *Outbuilding: An accessory building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building.*
- 12.56 Owner-Occupant(s): One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence.
- 12.57 *Park: A civic space type that is available for structured and unstructured recreation.*
- 12.58 *Parking Structure: A building containing one or more stories of parking above or below grade.*
- 12.59 *Passage: A pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.*
- 12.60 *Path: A pedestrian way traversing a park, open or rural area ideally connecting directly with the sidewalk network.*
- 12.61 Permit Granting Board: That Board designated by the Zoning Bylaw to hear and decide Site Plan Review applications *or that Board designated by Article 16 of the Zoning Bylaw to hear and decide upon modifications to dimensional or form regulations, as well as alternative compliance.*
- 12.62 *Plaza: A civic space type designed for civic purposes and commercial activities generally paved and spatially defined by building frontages.*
- 12.63 *Principal Building: The main building on a lot, usually located toward the frontage.*
- 12.64 *Principal Entrance: The main point of access for pedestrians into a building.*
- 12.65 *Principal Frontage: On corner lots, the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width.*
- 12.66 *Private Frontage: The privately held portion of property located between the frontage line and the principal building facade.*
- 12.67 *Public Frontage: The publicly held portion of the public way located between the private lot line and the edge of the vehicular lanes. It usually includes walkways, planters and lighting (i.e. such as the public sidewalk).*

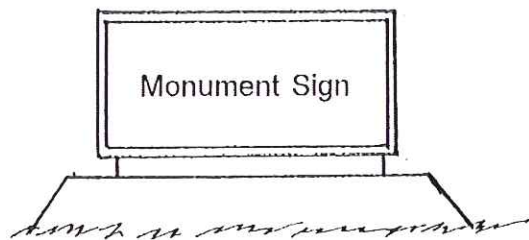


- 12.68 **Recharge Area:** Areas composed of permeable stratified sand and gravel or till and certain wetlands that collect precipitation or surface water and carry it to the aquifer.
- 12.69 **Restaurant:** An establishment or part of an establishment devoted primarily to the service and consumption of food and beverages on the premises. Any such establishment shall be considered a restaurant if the service of food is its primary activity and the service of alcoholic beverages, if any, is incidental to the sale, service and consumption of food and non-alcoholic beverages.
- 12.70 **Road:** *A local, rural and suburban thoroughfare of low-to-moderate vehicular speed and capacity.*
- 12.71 **Setback:** *The area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures, with the exception of certain encroachments. See Table 3.*
- 12.72 **Shared Driveway:** *A private driveway connecting and providing vehicular access to two or more lots in a manner that does not require traveling on the public roadway system.*
- 12.73 **Shared Parking Factor:** *A means for reducing required minimum parking when it can be demonstrated that parking spaces are to be shared and available to more than one function. See Table 16.7.0.*
- 12.74 **Sidewalk:** *The paved section of the public frontage dedicated exclusively to pedestrian activity.*
- 12.75 **Sideyard Building:** *A building that occupies one side of the lot with a setback on the other side.*
- 12.76 **Sign:** Any fabricated or illuminated display structure, device or surface incorporating letters, numerals, figures, symbols or other graphic or design elements used for the visual attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, merchandise or event, where such sign is displayed in any manner out of doors, or displayed indoors for the purpose of being viewed from the out of doors.

- 12.77 Sign, free standing: A sign supported permanently upon the ground by poles.



- 12.78 Sign, monument: A sign mounted either directly on the ground or on a wall that is situated on the ground.



- 12.79 Sign, projecting: A sign affixed to and projecting laterally, in whole or in part, from the side of a building, wall, or structure for a distance of at least 12 inches.
- 12.80 Special Permit Granting Authority: The Zoning Board of Appeals and the Planning Board are designated as the Special Permit Granting Authorities, as provided within the Articles of this Bylaw.
- 12.81 *Square: A civic space type designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees.*
- 12.82 *Stoop: A private frontage wherein the building facade is aligned close to the frontage line with the first story elevated above the sidewalk for privacy, with the stoop consisting of an exterior stair and landing at the entrance.*
- 12.83 Street: An accepted public way, or a way which the Town Clerk certifies is maintained and used as a public way, or a way shown on a plan which has been approved and endorsed in accordance with the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in the Town of Amherst having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting on the way.
- 12.84 *Street Line: The edge of the public layout of the street, or public right-of-way as defined by the sidewalk, whichever is greater.*
- 12.85 *Street Yard: That portion of the frontage of a property between the primary building(s) and the edge of the Street Line.*
- 12.86 Subdividable Dwelling: A building constructed for potential multi-family residential purposes as its principal use and having an external appearance and footprint substantially consistent with those of a one family detached dwelling. The internal construction design of the building allows for ease of both conversion into more dwelling units, and consolidation into fewer dwelling units, all within the maximum number established under Section 3.324 of this Bylaw.

- 12.87 Taxicab: A vehicle for hire garaged in Amherst and used for the conveyance of persons from any point of origin within the town of Amherst to any other location for a fee, whether hourly or by a taximeter; except livery vehicles as previously defined or a vehicle operated in a manner and for the purposes stated in Massachusetts General Laws, Chapter 159A.
- 12.88 Town House: A residential use consisting of one or more buildings containing no fewer than three (3) nor more than ten (10) attached dwelling units, each of which has a separate private entrance on the ground level and where no building is more than three stories in height. Individual town house dwelling units extend from foundation to roof, and may consist of more than one floor, with each unit having fully exposed walls on at least two sides for access, light, and ventilation.
- 12.89 Toxic or Hazardous Substance: Any chemical substance or mixture of substances in a gaseous, liquid or solid state which is listed in the Massachusetts toxic or hazardous substance list compiled and maintained by the commissioner of the Massachusetts Department of Public Health in compliance with the provisions of M.G.L. Ch. 111F, section four, as amended, and which is manufactured, processed, used or stored in the workplace, but which shall not include alcoholic beverages as defined in MGL Ch. 138, Section one, or articles intended for personal consumption by employees in the workplace, or consumer articles packaged for distribution to, and used by, the general public, or articles sold or used in retail food establishments and all other retail trade establishments, exclusive of articles used in processing and repair areas, or substances being transported in interstate commerce.
- 12.90 Truck Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing and reshipment or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored.
- 12.91 Upland Acreage: Lot area, not including watercourses, waterbodies, vernal pools, banks, or bordering or isolated vegetated wetland as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00, or the Amherst Wetlands Bylaw.
- 12.92 Waste: Any discarded material, or any material otherwise generated or produced as a by-product of any activity which is not intended for further use by the generator or producer.
- 12.93 Wastewater Treatment Works Subject to 314 CMR 5.00: Any wastewater treatment plants or works, including community septic systems, which require a groundwater discharge permit from the Massachusetts Department of Environmental Protection (DEP).
- 12.94 Watershed: Lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.
- 12.95 Wetlands: those lands defined as wetlands by the provisions of the Massachusetts Wetlands Act, M.G.L. Chapter 31, Section 40, as amended, and by the provisions of the General Bylaws of the Town of Amherst Massachusetts, Article II, General Regulations, Wetlands Protection, as amended.
- 12.96 Wireless Communications Facilities: Facilities used for the principal purpose of commercial or public wireless communications uses, such as cellular telephone services, enhanced specialized mobile radio services, microwave communications, personal wireless communications services, paging services and the like, as defined in Section 704 of the Federal Telecommunications Act of 1996, as amended. Such facilities shall include towers, antennae, antennae support structures, panels, dishes and accessory structures. For the purposes of this bylaw, wireless communications facilities do not include the following accessory uses or structures: antennae or dishes used solely for residential household television and radio reception; antennae or dishes used for commercial or public purposes which are not visible from any neighboring property or public way, or as set forth in Section 3.340.2.j, or dishes for these purposes measuring two (2) meters or less in diameter; nor amateur radio facilities, including towers under sixty-five (65) feet above ground, actively used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission (FCC), provided that the tower is not used or licensed for any commercial use.

- 12.97 Zone I Recharge Area: That area encompassed by a circle extending around the wellhead of a public drinking water well, with the wellhead at its center and including all land within a 400 foot radius.
- 12.98 Zone II Recharge Area: That area of an aquifer which contributes water to a public drinking water well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend up-gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).
- 12.99 Zone III Recharge Area: The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00, as amended.
- 12.100 Zoning Enforcement Officer: The Building Commissioner of the Town of Amherst.

**ATTACHMENT I.**

**AMENDMENTS TO THE OFFICIAL ZONING MAP  
(FIGURES 1A & 1B)**



This is a detailed zoning map of a portion of Westborough, Massachusetts. The map shows various residential zones, including R-LD (Residential Low Density), AC (Accessory Residential), ED (Employment District), and R-VC/PURD (Residential Village Center). Major roads shown include College Dr, Muddy Brook, Mountain View Cir, Bay Rd, Torrey Rd, West Bay Rd, Rambling Rd, Spencer Dr, Prince's Way, and Country Corners. Numerous lots are numbered, and specific areas are highlighted with red outlines and labels like "Extension of ED" and "remove PURD". A large blue area labeled "R-LD" is prominent in the center-right.

Horizontal Datum: MA Stateplane Coordinate System,  
Zone 4151, Datum NAD83, Feet  
Vertical Datum: NAVD88, Feet

Planimetric & topographic basemap features compiled at 1"=40' scale from April, 2009 Aerial Photography. Parcels compiled to match the basemap: revisions are ongoing.

The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition, regulatory interpretation, or property conveyance purposes. Utility structures and underground utility locations are approximate and require field verification.

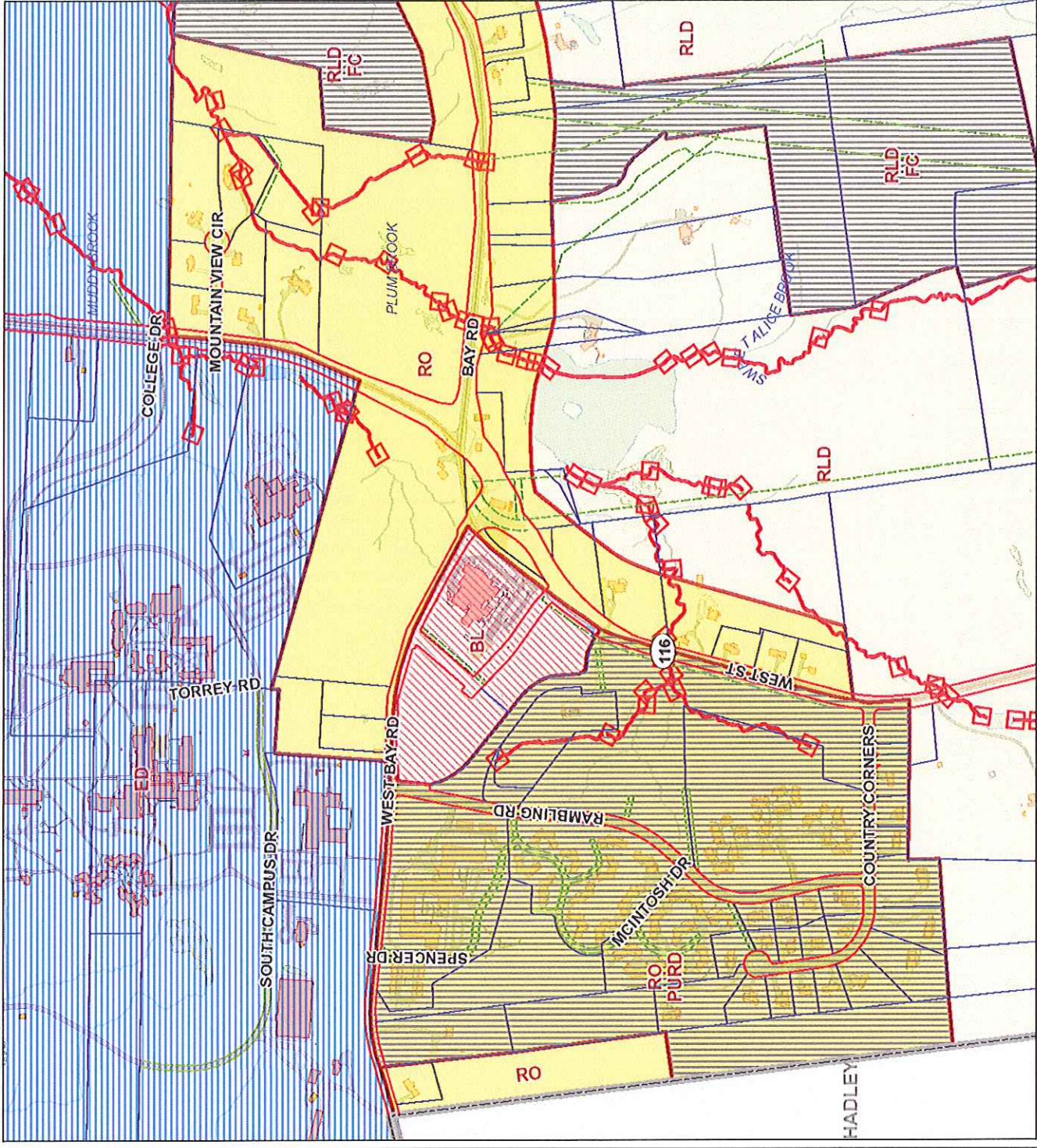
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1" = 600 ft

# Atkins Corners - Existing Zoning



- Zoning Map**
- PPC Stream Setbacks
  - 50' Setback
  - 50' Setback
  - Zone Overlay
  - Design Review Board
  - Municipal Parking Dist
  - Zoning**
  - RLD: Low Density Ro
  - R-F: Fraternity Reside
  - R-O: Outlying Reside
  - R-N: Neighborhood R
  - R-V: Village Center
  - R-G: General Reside
  - B-V: Village Center
  - B-L: Limited Business
  - B-M: Medium Density B
  - B-C: Community Business
  - OP: Office Park
  - COM: Commercial
  - PP: Professional &
  - LI: Light Industrial
  - ED: Educational
  - PPC: Flood-Prone Co



Horizontal Datum: MA Stateplane Coordinate System,  
Zone 4151, Datum NAD83, Feet  
Vertical Datum: NAVD88, Feet

Planimetric & topographic base map features compiled  
at 1"=40' scale from April, 2009 Aerial Photography.  
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1" = 650 ft

Amherst GIS Viewer

March 23, 2012

# Figure 1A - Atkins Corner Rezoning



www.amherstma.gov

- Legend**
- Property Lines
  - Property Line
  - Hydrographic Property Line
  - Right of Way Line
  - Town Boundary
  - Zone Overlay
  - Zone Overlay
  - Zoning
  - R-LD: Low Density Residence
  - BN
  - AC
  - NAVC
  - R-F: Fraternity Residence
  - B-C: Outlying Residence
  - R-N: Neighborhood Residence
  - R-V: Village Center Residence
  - B-V: Village Center Business
  - B-L: Village Center Business
  - B-G: General Business
  - OP: Office Park
  - COM: Commercial
  - PRP: Professional & Research Park
  - LI: Light Industrial
  - ED: Educational
  - PPC: Flood-Prone Conservancy
  - Structures
  - Building
  - Foundation or in construction
  - Outbuilding or Miscellaneous
  - Deck, Porch, Stairs or Overhang
  - Mobile home, Trailer
  - Swimming Pool
  - Building Ruins
  - Water storage tank

Horizontal Datum: MA Stateplane Coordinate System,  
Zone 4151, Datum NAD83, Feet  
Vertical Reference Datum: NAVD-88

Planimetric basemap features compiled at 1"=40'  
scale from April, 2009 Aerial Photography.

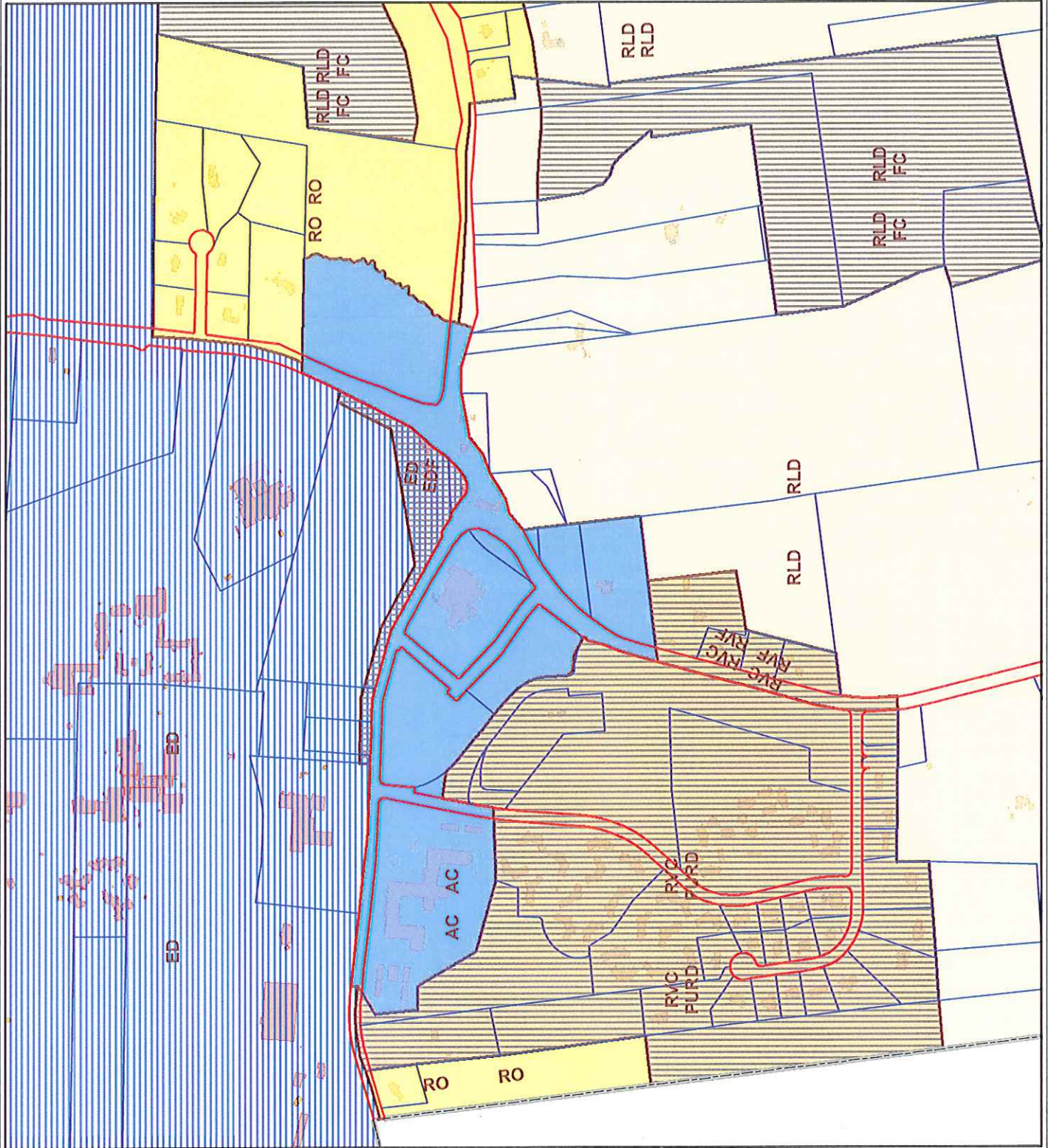
Parcels compiled through a "best-fit" methodology to  
match the basemap; revisions are ongoing.

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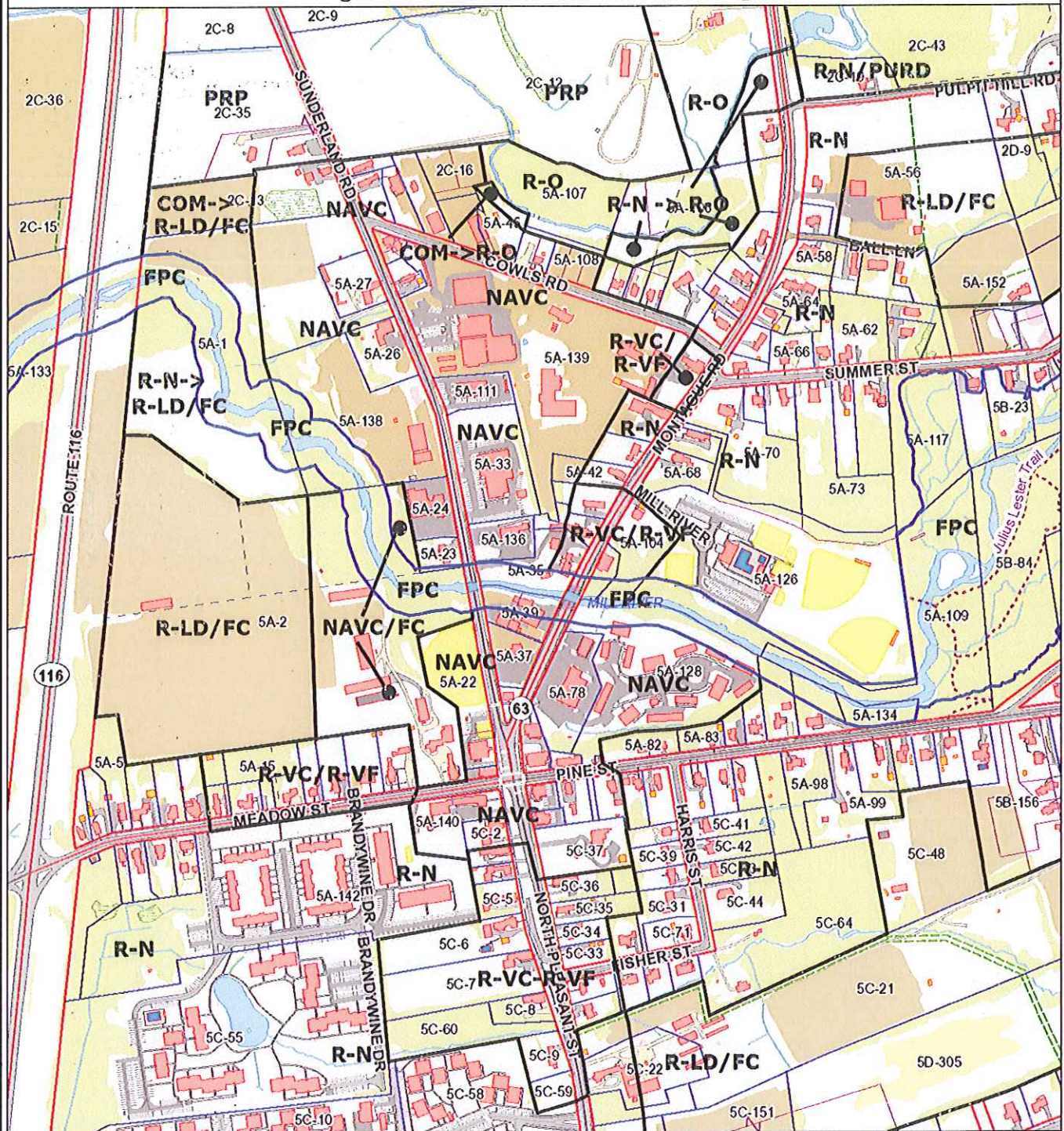


0 162.5 325 650 Feet  
1 inch = 650 feet

Amherst GIS, 4/2/2012







Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, Datum NAD83, Feet  
Vertical Datum: NAVD83, Feet

Planimetric & topographic basemap features compiled at 1"=40' scale from April, 2009 Aerial Photography. Parcels compiled to match the basemap; revisions are ongoing.

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## Property M

- Property Lines
  - Property Line
  - Hydrographic Property Line
  - Right of Way Line
  - Town Boundary
- Other Property Lines
  - Former Property Line
  - Subdivision Lot Line
  - Easements
- Basemap
  - Trails
  - Rail Lines

## Structures

- Building
- Foundation or in construction
- Outbuilding or Miscellaneous
- Deck, Porch, Stairs or Overh
- Mobile home, Trailer
- Swimming Pool
- Building Ruins
- Water storage tank
- Rivers and Streams
  - Streams
  - Major Culverts
  - Hydro Connector
  - Headwalls, Floodwalls

## Landcover

- Brush and scrub vegetation
- Tree and forest vegetation ar
- Cultivated field
- Gravel pile
- Quarry
- Misc Impervious Surface
- Parking
  - Parking Paved
  - Parking Unpaved
- Driveways
  - Driveway Paved
  - Driveway Unpaved
- Sidewalks
- Transportation
  - Paved street polygons
  - Unpaved street polygons

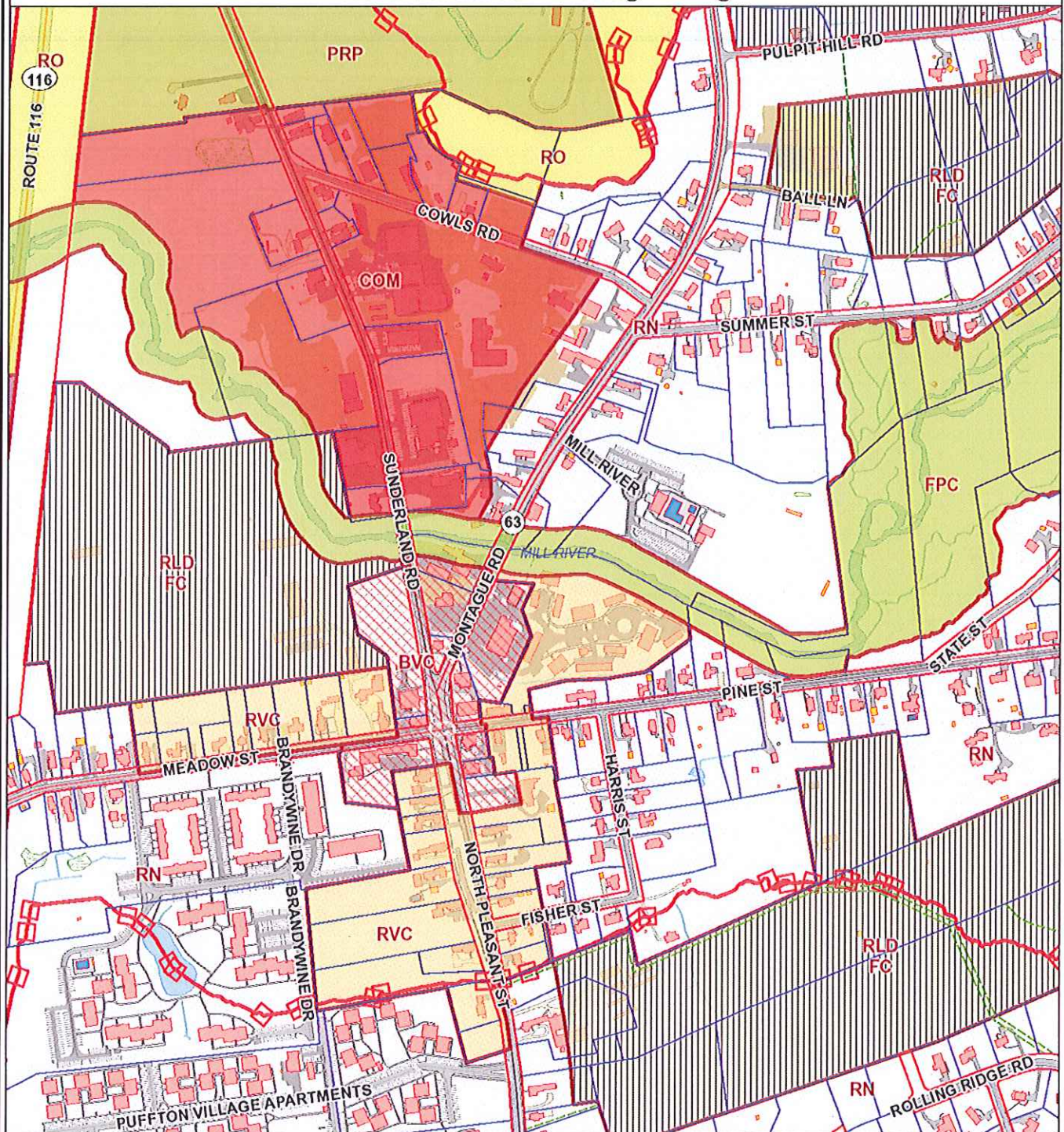
## Bridges

- Bridge decking and structure
- Foot Bridge
- Rail Bridge



1" = 550 ft





Horizontal Datum: MA Stateplane Coordinate System,  
Zone 4151, Datum NAD83, Feet  
Vertical Datum: NAVD83, Feet

Plan/metric & topographic basemap features compiled  
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## Zoning Map

- FPC Stream Setbacks
- 25' Setback
- 50' Setback
- Zone Overlay
- Design Review Board Jurisdi
- Municipal Parking District

## Zoning

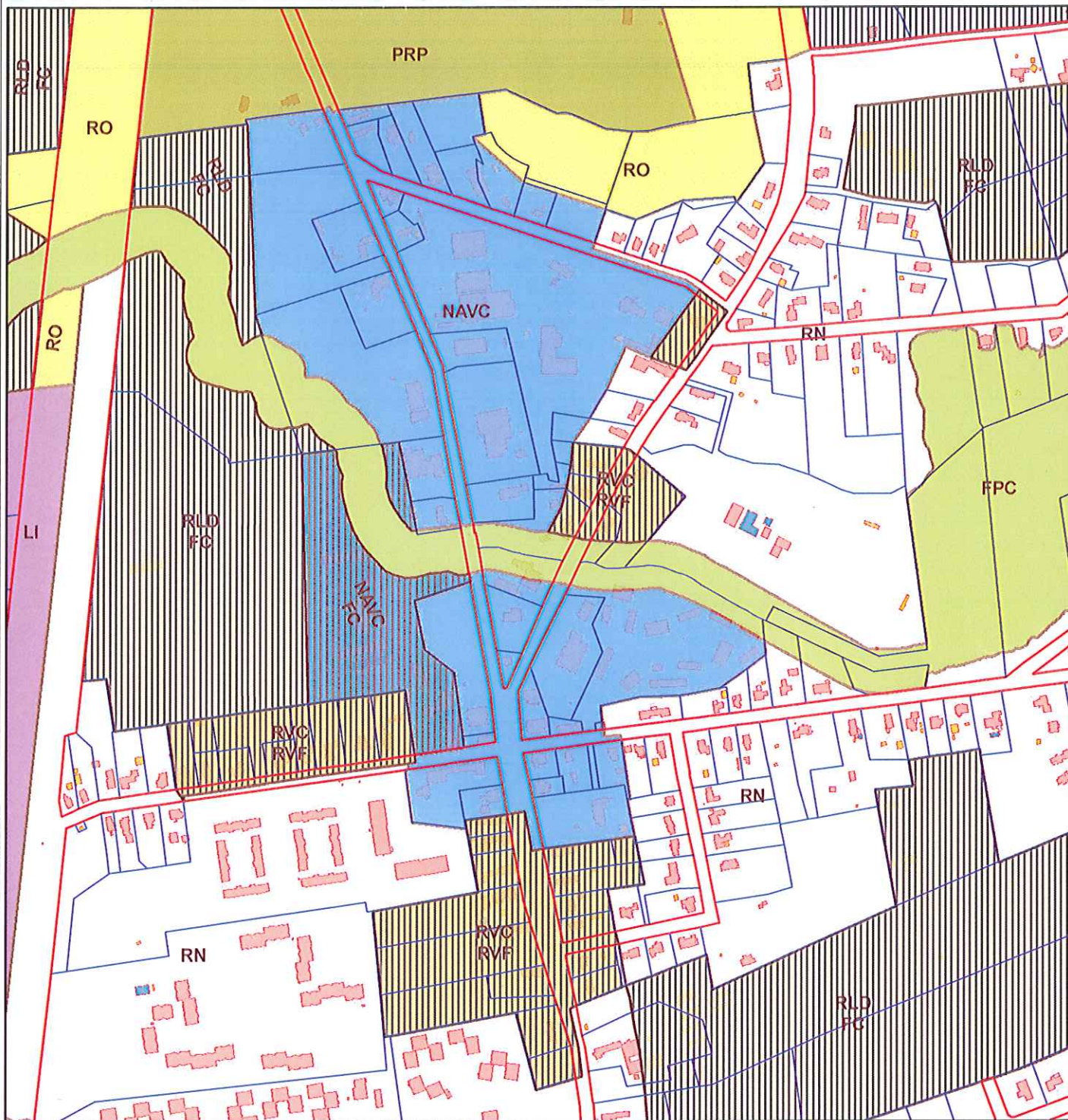
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- R-O: Outlying Residence
- R-N: Neighborhood Residen
- R-VC: Village Center Reside
- R-G: General Residence
- B-VC: Village Center Busine
- B-L: Limited Business
- B-N: Neighborhood Busine
- B-G: General Business
- OP: Office Park
- COM: Commercial
- PRP: Professional & Resear
- LI: Light Industrial
- ED: Educational
- FPC: Flood-Prone Conserva



1" = 650 ft



# Figure 1B - North Amherst Rezoning

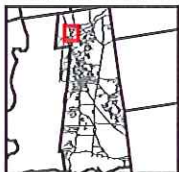


Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, Datum NAD83, Feet  
Vertical Reference Datum: NAVD-88

Planimetric basemap features compiled at 1"=40' scale from April, 2009 Aerial Photography.

Parcels compiled through a "best-fit" methodology to match the basemap; revisions are ongoing.

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## Legend

- Property Line
- Hydrographic Property Line
- Right of Way Line
- Town Boundary
- Structures
  - Building
  - Foundation or in construction
  - Outbuilding or Miscellaneous
  - Deck, Porch, Stairs or Overhang
  - Mobile home, Trailer
  - Swimming Pool
  - Building Ruins
  - Water storage tank

## Zone Overlay

- Zone Overlay
- Zoning
  - R-LD: Low Density Residence
  - BN
  - AC
  - NAVC
  - R-F: Fraternity Residence
  - R-O: Outlying Residence
  - R-N: Neighborhood Residence
  - RVC: Village Center Residence
  - R-G: General Residence
  - BVC: Village Center Business
  - B-L: Limited Business
  - B-G: General Business
  - OP: Office Park
  - COM: Commercial
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  - LI: Light Industrial
  - ED: Educational
  - FPC: Flood-Prone Conservancy



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0 275 550 Feet

1 inch = 550 feet

